

CA1 L11 -
L17 ENG

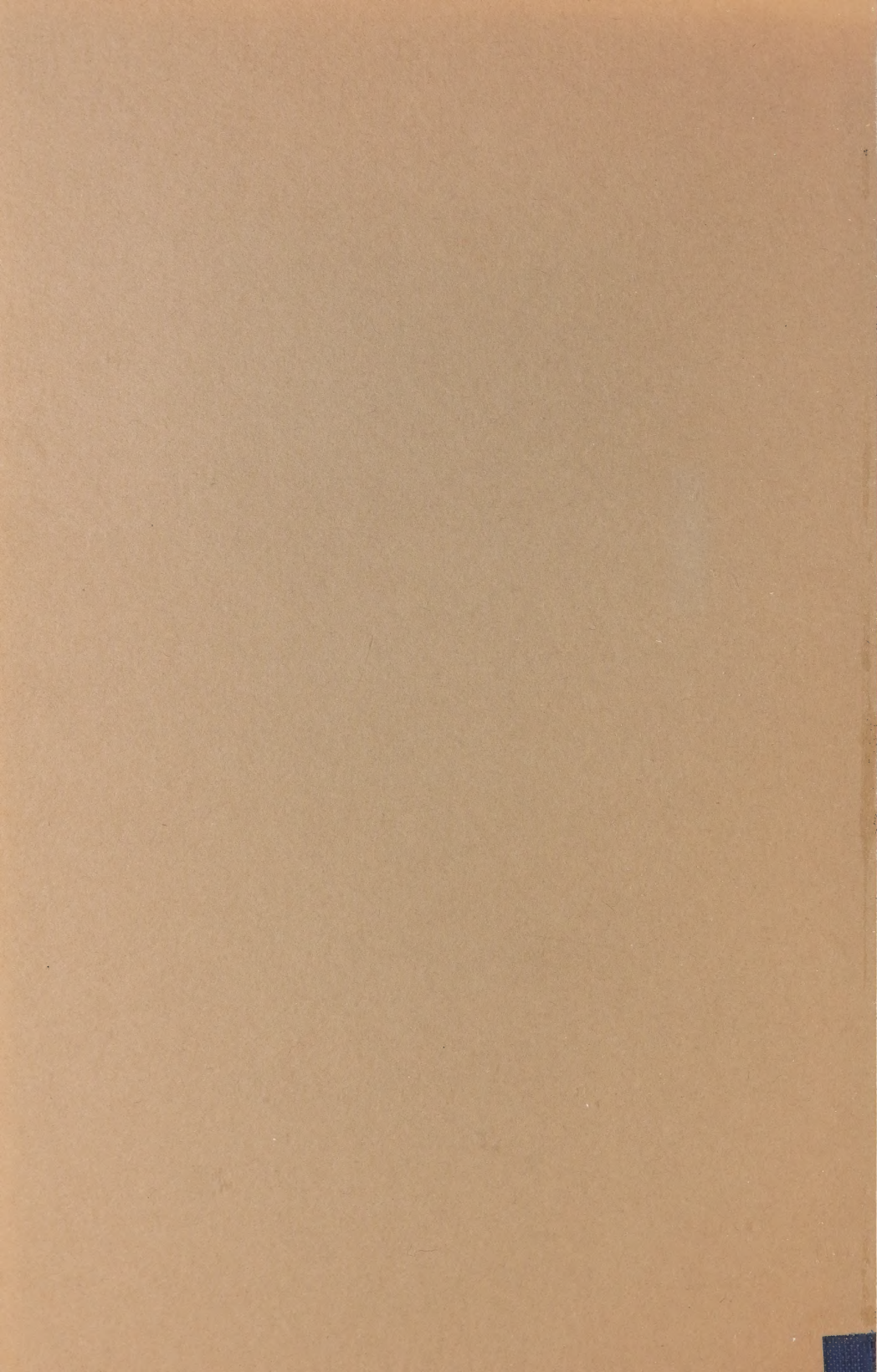
Government
Publications

Canada. Dept. of Labour.
Legislation Branch
Labour standards in
Canada
1967

3 1761 11766670 1

Government
Publications

HD
7837
A45
1967

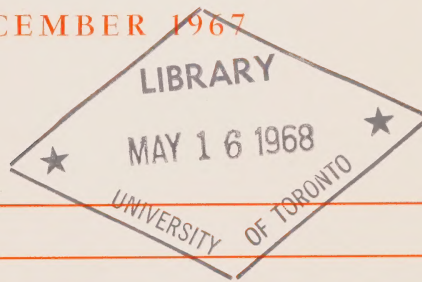


Government
Publications



LABOUR STANDARDS IN CANADA

DECEMBER 1967



CANADA DEPARTMENT OF LABOUR

Legislation Branch

Hon. John R. Nicholson/Minister

George V. Haythorne/Deputy Minister



CANADA

LABOUR STANDARDS IN CANADA

DECEMBER 1967

CANADA DEPARTMENT OF LABOUR

LEGISLATION BRANCH

HON. JOHN R. NICHOLSON
MINISTER

GEORGE V. HAYTHORNE
DEPUTY MINISTER

© Crown Copyrights reserved

Available by mail from the Queen's Printer, Ottawa,
and at the following Canadian Government bookshops:

HALIFAX
1735 Barrington Street

MONTREAL
Æterna-Vie Building, 1182 St. Catherine St. West

OTTAWA
Daly Building, Corner Mackenzie and Rideau

TORONTO
221 Yonge Street

WINNIPEG
Mall Center Bldg., 499 Portage Avenue

VANCOUVER
657 Granville Street

or through your bookseller

A deposit copy of this publication is also available
for reference in public libraries across Canada

Price 75 cents

Catalogue No. L2-7/1967

Price subject to change without notice

ROGER DUHAMEL, F.R.S.C.
Queen's Printer and Controller of Stationery
Ottawa, Canada
1968



FOREWORD


This publication, issued annually, sets out the standards that are in effect under federal and provincial labour laws with respect to child labour, minimum wages, equal pay for equal work, hours of work, weekly rest-day, annual vacations with pay, public holidays, fair employment practices, notice of termination of employment, maternity protection and workmen's compensation. The standards set by labour Ordinances of the Yukon and Northwest Territories are included.

"Standards" as used in the title mean the minimum standards required by law. These standards are set out in tables, where appropriate, and in other instances in narrative form. Changes in labour standards in 1967 are summarized, beginning at page 9.

The publication was prepared by Miss Evelyn Woolner.

EDITH LORENTSEN,
Director,
Legislation Branch,
Canada Department of Labour.

December 31, 1967.



Digitized by the Internet Archive
in 2022 with funding from
University of Toronto

<https://archive.org/details/31761117666701>

TABLE OF CONTENTS

	PAGE
Division of Legislative Powers.....	7
Changes in Labour Standards in 1967.....	9
Statutory School-Leaving Age.....	19
Minimum Age for Employment.....	21
Minimum Wages.....	25
Rates Set by Provincial Minimum Wage Orders:	
Table 1. Minimum Rates for Experienced Workers.....	32
Table 2. Minimum Rates and Learning Periods for Inexperienced Workers.....	33
Table 3. Overtime Rates.....	35
Equal Pay.....	36
Hours of Work.....	39
Weekly Rest-Day.....	45
Annual Vacations with Pay.....	48
Public Holidays.....	54
Fair Employment Practices.....	61
Notice of Termination of Employment.....	65
Maternity Protection.....	67
Workmen's Compensation.....	68
Table 1. Monthly Benefits to Dependants in Case of Death of Workman.....	70
Table 2. Benefits in Case of Disability.....	72
Labour Standards in the Yukon and Northwest Territories.....	74

DIVISION OF LEGISLATIVE POWERS

Since both the Parliament of Canada and the provincial legislatures have power to enact labour laws and each is sovereign in its own jurisdiction, it is important for the user of this publication to be clear about the field of authority of each.

In the division of legislative powers between Parliament and the legislatures of the provinces in matters of labour legislation, the provincial legislatures have the major jurisdiction and Parliament has authority only in a limited field.

The right to make laws concerning labour in Canada stems from Sections 91 and 92 of the British North America Act and from court interpretations of these sections.

Provincial authority flows principally from the fact that Section 92 of the B.N.A. Act gives the provinces exclusive power to make laws regarding "property and civil rights in the province". The right to contract is a civil right, and labour laws, which impose conditions on the rights of the employer and employee to enter into a contract of employment (e.g., a minimum age for employment, a minimum rate of wages, limits on working hours), are laws in relation to civil rights. The provinces also have exclusive legislative jurisdiction over "local works and undertakings".

The power of Parliament to legislate in labour matters is derived from and is an incidental part of its exclusive legislative authority over certain classes of subjects assigned to it in the B.N.A. Act. These are enumerated in Section 91 or are expressly excepted from provincial jurisdiction by Section 92(10) and brought within the exclusive jurisdiction of Parliament by Section 91(29).

The specific industries and undertakings which Parliament has exclusive power to regulate and control are those of a national, inter-provincial or international nature. Parliament has authority to regulate, e.g., the operation of railways, telegraphs, canals and other works and undertakings *connecting the provinces*. It has the further authority to regulate undertakings or businesses which are wholly within a province but which have been declared by Parliament to be for the "general advantage" of Canada or of two or more of the provinces. Grain elevators, feed mills, uranium mines and defined operations of specific companies are some of the undertakings that have been declared to be for the general advantage of Canada.

Parliament may legislate for certain classes of employers and employees, therefore, because of the nature of the operations in which they are engaged. By virtue of its exclusive power to regulate the management and operation of particular works, undertakings or businesses, it has authority to enact legislation setting minimum standards and conditions of employment for workers engaged in such works, undertakings or businesses.

The industries or undertakings to which the Canada Labour (Standards) Code, as well as other federal labour legislation, applies are as follows:

1. Operations that connect a province with another province or another country, such as railways, bus operations, trucking, pipelines, ferries, tunnels, bridges, canals and telegraph, telephone and cable systems
2. All shipping and services connected with shipping, e.g., long-shoring and stevedoring
3. Air transport, aircraft and aerodromes
4. Radio and television broadcasting
5. Banks
6. Primary fishing, where fishermen work for wages
7. Flour, feed, and seed cleaning mills and feed warehouses
8. Grain elevators
9. Uranium mining and processing
10. Defined operations of specific companies that have been declared to be for the "general advantage" of Canada or of two or more provinces
11. Most federal Crown corporations, e.g., the CNR, Air Canada, the CBC and Polymer Corporation.

To sum up, Parliament's jurisdiction is limited to employment in or connected with the industries set out above. *The remaining field of employment*, including manufacturing, mining, construction, logging, wholesale and retail trade, the service industries and local business generally, *is subject to labour legislation enacted by the provincial legislature.*

Parliament has legislative authority with respect to those parts of Canada that are not included within a province. In two federal laws, the Yukon Act and the Northwest Territories Act, it has made provision for local government of each territory by a Commissioner and a Territorial Council. The Commissioner and Council have legislative powers with

respect to a number of matters, including property and civil rights in the Territory, and generally in relation to all matters of a merely local or private nature in the Territory. The jurisdiction of the Territorial Councils in labour matters is thus the same as that of the provincial legislatures, with the fundamental difference that the jurisdiction has been conferred by an Act of Parliament. Federal labour standards laws do not apply to undertakings of a local or private nature in the Territories.

CHANGES IN LABOUR STANDARDS IN 1967

General Summary

In 1967 no changes were made in federal labour standards legislation other than an amendment to the Canada Labour Code Regulations (General), exempting members of the scientific profession, as defined, from the application of the Act. Members of five other professions, the medical, dental, architectural, engineering and legal professions, were previously excluded from the Code.

In the provincial jurisdictions, a considerable number of changes were made in labour standards laws and regulations.

The British Columbia Legislature gave authority for the employment in metal mines of boys between 17 and 18 years for the purpose of training.

In the field of minimum wages, five provinces put higher rates into effect. British Columbia and Alberta became the first two provinces to set a general minimum rate of \$1.25 an hour, making the \$1.25 rate effective in two stages. Manitoba also provided for a minimum rate of \$1.25 an hour, to be attained in four steps, the last effective on December 1, 1968.

New Brunswick provided for the first time for a general minimum rate applicable to all employees subject to the Minimum Wage Act except those governed by two special orders. The general rate, effective from January 1, 1968, is \$1 an hour. Effective from the same date, the rate for workers employed in construction, mining, primary transportation, logging, forest and sawmill operations was increased by 20 cents to \$1.25 an hour.

In Quebec, in place of an earlier order that applied to hotels, restaurants, hospitals, real estate undertakings and taxi services, two new orders were issued covering a much wider range of establishments and substantially increasing minimum rates. The rates payable under

these orders to workers employed in undertakings within the category of "service establishments" and the "hotel trade" now range from 90 cents to \$1 an hour, with rates of 85 and 80 cents payable during the first 60 days of employment. Three other orders also were revised; in each case minimum rates were raised.

A similar amendment was made to the equal pay legislation of both Nova Scotia and Prince Edward Island, making it compulsory for employers to pay female employees the same rate of wages as male employees when they are required to do substantially the same work in the same establishment.

Prince Edward Island enacted its first Vacation Pay Act, giving workers the right to an annual vacation with pay of one week after a year of employment. The Nova Scotia Legislature increased the duration of the vacation to which workers are entitled under the Vacation Pay Act from one week to two weeks after a year's service. In line with this change, vacation pay was increased from 2 to 4 per cent of earnings. The Quebec vacation with pay order (No. 3) was revised, bringing several new classes of workers within its scope.

In British Columbia, the Board of Industrial Relations issued its first holiday order, requiring employers to give their employees eight paid general holidays a year.

New Brunswick consolidated its fair employment practices and fair accommodation practices laws in one statute, the Human Rights Act, and established a five-member commission, the New Brunswick Human Rights Commission, to administer the Act, subject to the control of the Minister of Labour.

In both New Brunswick and Ontario, exemptions of employers with fewer than five employees from fair employment practices legislation were removed.

The Nova Scotia Legislature set up a Human Rights Commission to co-ordinate human rights activities within the province and to act as a research, advisory and promotional body in the general field of human rights.

Increased benefits were provided under five of the Workmen's Compensation Acts.

Further details of the new and revised standards put into effect are set out below.

Minimum Age for Employment

In a revision of the *British Columbia* legislation governing mines other than coal mines, a new provision concerning the minimum age for employment was enacted. The minimum age for employment below ground in a mine or at the working face of an open-pit mine continues to be 18, but a person who has reached the age of 17 is now permitted to be employed for the purpose of training under an approved training program. No minimum age was set for employment above ground. Previously, a minimum age of 15 years applied to work above ground.

Minimum Wages

British Columbia

The *British Columbia* Board of Industrial Relations began a program of revision of its minimum wage orders, in all cases setting a minimum rate of \$1.25 an hour, effective in two stages (\$1.10 from May 1 in some cases and from June 5 in others, \$1.25 on November 1, 1967). Orders governing the manufacturing and mercantile industries, office occupation, the hotel and catering industry, the laundry, cleaning and dyeing industries, elevator operators and starters and fish processing were revised.

In addition, since British Columbia orders are made on an industry or occupation basis, a general order was adopted to fill any gaps in coverage. This order was made applicable, subject to a few specific exceptions, to any employees within the scope of the Minimum Wage Acts not covered by separate orders. It, too, established a minimum wage of \$1.10 an hour, increasing to \$1.25 an hour on November 1.

Under the orders that were replaced, the minimum rate was \$1 an hour, with rates of 85, 90 and 95 cents for the first three months of employment.

Orders governing the construction industry and a number of other skilled trades were revised, raising the minimum rate for electronic technicians to \$2 an hour, for tradesmen in shipbuilding to \$2.25 an hour, and for automotive mechanics, construction tradesmen, machinists, moulders, refrigeration mechanics and sheetmetal workers to \$2.50 an hour.

Alberta

In *Alberta*, the general minimum wage of \$1 an hour for workers of 18 years and over, which had been in effect throughout the prov-

ince since July 1, 1966, was increased to \$1.25 an hour in two stages (\$1.15 on August 1, 1967, \$1.25 from January 1, 1968).

The same increases were provided for three classes of workers covered by special orders—ambulance drivers and attendants, taxicab drivers, and cooks, night watchmen, etc., in work camps. The minimum rates for female telephone operators in small exchanges and for commercial travellers and salesmen were also increased, in the former case to \$1.15 an hour and in the latter case to \$50 a week, both effective from January 1, 1968.

Learners' rates for women employed in the garment industry were reintroduced from November 1, 1967, after having been cancelled as of April 1, 1966. These rates are now \$1 an hour for the first four weeks of employment and \$1.15 an hour for the second four weeks of employment, after which the full minimum of \$1.25 an hour must be paid. To pay inexperienced workers' rates, an employer must obtain a permit from the Board of Industrial Relations. Not more than 25 per cent of the workers employed by an employer in the garment industry may be paid inexperienced workers' rates.

New Brunswick

In a revision of its minimum wage orders, effective from January 1, 1968, the *New Brunswick* Minimum Wage Board provided for a general minimum rate of \$1 an hour, applicable to all employees subject to the Minimum Wage Act except those governed by two special orders. This represented an increase of 10 cents an hour in the minimum rate for manufacturing, food processing and the wholesale and retail trades, and of 20 cents an hour for the service industries.

A learner's rate 20 cents an hour less than the minimum may be paid for the first four months of employment. Not more than 20 per cent of the total number of employees of an employer, however, may be paid at the 80-cent rate. Casual employees employed for not more than four months in any year must be paid at least 90 cents an hour (10 cents an hour less than the minimum).

The two special orders, governing (1) construction, mining and primary transportation and (2) logging, forest and sawmill operations, were amended to increase the minimum rate, as of January 1, 1968, from \$1.05 to \$1.25 an hour.

Manitoba

Manitoba provided for a minimum rate of \$1.25 an hour, to be put into effect in four stages over a period of one year. Effective December 1, 1967, the rate for workers 18 years and over was raised from \$1 to \$1.10 an hour. It is to be increased to \$1.15 on April 1, 1968; to \$1.20 on August 1; and finally to \$1.25 on December 1, 1968.

Quebec

In *Quebec*, two new orders were issued on June 1: Order No. 5 governing service establishments, and Order No. 8 governing the hotel trade. These replace an earlier order applying to hotels, restaurants, hospitals, real estate undertakings and taxi services. In addition to covering a much wider range of establishments, the new orders increased minimum rates substantially.

The order for "service establishments", which comprise educational services, hospital and health services, recreation and entertainment services, maintenance services, services of public protection and maintenance of public order, religious and welfare organizations, lodging services and staff houses and taxi services, provided for two-step increases in minimum wages. The rates established were 90 cents an hour in Zone I (the Greater Montreal area) and 80 cents an hour in Zone II (the rest of the province) as of June 1; \$1 in Zone I and 90 cents in Zone II as of September 1.

Rates fixed for workers during their first 60 days of employment were 75 cents in Zone I and 70 cents in Zone II as of June 1, increasing to 85 and 80 cents, respectively, on September 1. Employees under 18 working in a service establishment must be paid at least 75 cents an hour in Zone I and 70 cents an hour in Zone II.

The order for "hotel trade establishments", covering hotels, restaurants, lodging houses or camping grounds, as defined in the *Hotels Act*, places where alcoholic beverages are sold for consumption on the premises, and establishments that sell, deliver or serve meals to be eaten elsewhere, provided for minimum rates of 85 cents an hour in Zone I and 80 cents an hour in Zone II as of June 1, and for a further 10-cent increase in these rates on September 1. Rates for the first 60 days of employment were the same as in the order for service establishments.

Order No. 7 governing the shoe industry, Order No. 9 governing forest operations, and Order No. 10 governing sawmills, related enterprises and wrought wood shops were also revised, in all cases raising minimum rates.

Equal Pay

The *Prince Edward Island* Equal Pay Act and the equal pay provision of the *Nova Scotia* Human Rights Act were amended by the addition of the word “substantially”, making it compulsory for employers to pay a female employee the same rate of wages as a male employee for *substantially* the same work done in the same establishment. Under the former wording, men and women were required to receive equal pay for “the same work done in the same establishment”.

Annual Vacations

Prince Edward Island

Prince Edward Island enacted a Vacation Pay Act, in force from June 1, requiring employers to give their employees an annual vacation with pay of at least one week after a year's employment, provided the employee has worked at least 90 per cent of the regular working hours during the year. Vacation pay is 2 per cent of the employee's earnings for the 12-month period during which he establishes his right to a vacation.

Exempted from the Act are persons employed four hours or less in a day or 24 hours or less in a week, employees of the Crown, workers employed in agriculture and fishing, public school teachers, workers employed in canneries that operate less than four continuous months a year and domestic servants who are employed for a period of less than two months.

The employee must be given his vacation not later than 10 months after the date on which he becomes entitled to it, and he must be told at least a week in advance of the date on which his vacation is to begin. The employer is required to pay him his vacation pay at least one day before the beginning of the vacation.

As in other jurisdictions, workers are entitled to vacation pay on termination of employment during a working year. A worker who ceases to be employed is entitled to 2 per cent of his earnings for whatever period he has worked. Payment must be made not later than the next regular pay period after his departure.

Nova Scotia

The *Nova Scotia* Vacation Pay Act was amended to provide for an annual vacation of two weeks, with pay at the rate of 4 per cent of earnings, after a year of employment, effective from January 1, 1968,

instead of the previous requirement of one week's vacation, with pay at the rate of 2 per cent of earnings, after a year's service.

Quebec

The *Quebec* vacation with pay order (No. 3) was revised, effective from July 1, and its coverage widened.

The minimum vacation requirement of one week after a year's service during the "reference year", the period (May 1-April 30) during which an employee progressively acquires the right to the entire annual vacation, was not changed. As before, a worker who has not completed a year's service on April 30 is entitled to one-half day of vacation for each month of service.

Workers newly covered by the order include those employed by municipal corporations and school commissions (with certain exceptions), apartment house janitors, caretakers provided with free lodgings, and homeworkers.

Under the revised order, all workers in the province are entitled to an annual vacation with pay or vacation pay on termination of employment except those for whom special vacation provisions have been laid down by decrees or minimum wage orders, farm workers, domestic servants, part-time workers regularly working less than three hours in a day, members of the clergy or of a religious institution, persons employed by religious institutions, teachers and secretaries working unverifiable hours for municipal corporations and school commissions, certain classes of students and various categories of salesmen, including employees paid entirely by commission and working for more than one employer at a time.

Workers in the shoe industry and those employed in forest operations are entitled to the annual vacation or vacation pay prescribed by the minimum wage orders governing these industries. Employees governed by a decree under the Collective Agreement Decrees Act are subject to the vacation provisions of the decree.

Public Holidays

The *British Columbia* Board of Industrial Relations issued an order, effective from August 1, requiring employers to give their employees a holiday with pay on each of eight general holidays.

The eight general holidays in a year that are to be observed as paid holidays are: New Year's Day, Good Friday, Victoria Day,

Dominion Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day. Another day may be substituted for any of the eight holidays listed.

An employee is to be given a holiday with pay, whether or not the holiday falls on a regular working day for the employee. If a holiday falls on a day that is a non-working day for the employee, he must be given a holiday with pay at some other time not later than his next annual vacation or on termination of employment, whichever occurs first.

An employee who does not work on a holiday is entitled to his regular pay for the day. The order states how pay for the holiday is to be determined.

Where an employee is not required to work on a general holiday, he must not be required to work on another day of that week that would normally be a day of rest, unless he is paid his regular pay for all hours worked, in addition to all other wages due him for the day.

Where an employee is required to work on a general holiday, he must be paid not less than time and one-half his regular rate for all hours worked and, in addition, he must be given a holiday with pay at some other time not later than his next annual vacation or on termination of employment, whichever occurs first.

The order does not apply to employees covered by a collective agreement under the Labour Relations Act. Also excluded are farm workers, horticultural workers, domestic servants, professional employees and trainees, salesmen of automobiles and other vehicles, mobile homes and heavy duty industrial equipment, and employees exempted by regulation from the Minimum Wage Acts (e.g., commercial travellers, employees of the Pacific Great Eastern Railway, prospectors, handicapped employees and supervisory, managerial and confidential employees).

The order requires the keeping of detailed records by employers with respect to the holidays and holiday pay given each employee. Such records must be retained by the employer for at least six months after employment is terminated.

Fair Employment Practices

New Brunswick

New Brunswick enacted a Human Rights Act, in force on September 15, combining in one statute the former Fair Employment Practices Act and Fair Accommodation Practices Act.

Two significant changes were made. The provision exempting employers with fewer than five employees from fair employment practices legislation was deleted, making the Act applicable to all employers, regardless of the size of their work force. Domestic servants in private homes and nonprofit organizations are outside the scope of the Act.

The New Brunswick Human Rights Commission, to be composed of three or more persons appointed by the Lieutenant-Governor in Council, was established to administer the Act. In addition to its other functions, the Commission, which is responsible to the Minister of Labour for the administration of the Act, is empowered to develop and conduct educational programs designed to eliminate discriminatory practices based on race, creed, colour, nationality, ancestry or place of origin.

Ontario

The *Ontario* Human Rights Code also was amended to make applicable to all employers the provisions of the Code forbidding discrimination in hiring and employment on grounds of race, creed, colour, nationality, ancestry or place of origin. Previously, as in New Brunswick, they did not apply to employers with fewer than five employees. Domestic servants in private homes and nonprofit organizations continue to be exempted. The prohibitions against discrimination in the rental of commercial units or self-contained dwelling units were extended also.

Nova Scotia

The *Nova Scotia* Human Rights Commission Act authorized the establishment of the Nova Scotia Human Rights Commission, a body composed of seven members appointed by the Lieutenant-Governor in Council, three of whom are officials of the Departments of Education, Labour and Public Welfare, respectively. The four remaining members are representative persons selected from the community. The Act provides for the appointment of a Co-ordinator to act as the chief executive officer of the Commission.

The Commission does not administer the Human Rights Act. The administration of the Act remains the responsibility of the Minister of Labour.

The function of the Commission is to conduct and encourage research in the general field of human rights, to co-ordinate the activities of the various government departments concerning human rights,

and to advise the Government on suggestions, recommendations and requests made by private organizations.

The Commission is also required to develop a program of public information and education in the field of human rights.

Workmen's Compensation

Benefits under Workmen's Compensation Acts were increased in five provinces.

Widows' pensions were raised from \$75 to \$100 a month in both *Newfoundland* and *Quebec*. In *Quebec*, the lump sum payable to a widow was also increased—from \$300 to \$500.

In *Newfoundland*, monthly allowances to dependent children under 16 were raised (from \$25 to \$35 for a child with one remaining parent and from \$35 to \$45 for an orphan), and the age limit to which payments may be continued for educational purposes was extended from 18 to 21 years. In *Prince Edward Island*, an allowance of \$25 a month, instead of \$20, was provided for dependent children under 16. Allowances to dependent children in *Quebec* were increased to \$35 a month from \$25, and for an orphan to \$55 a month from \$35. Payments are made to all children to the age of 18 and are continued after the age of 18 for as long as a child attends school.

In *Manitoba*, the Workmen's Compensation Board is now permitted, in its discretion, to continue payment of compensation until a child receives his first university degree or completes a course in technical training. Previously, payments could be continued only to the age of 18. A further change is that a higher allowance, \$50 a month in place of \$35, is payable after the age of 16, thus taking into account increased costs of maintenance and schooling.

Monthly pensions and allowances to dependent widows and children in *British Columbia* were increased by 4.04 per cent, effective from January 1, 1967, in accordance with a formula under which these payments are tied to the Consumer Price Index.

Maximum annual earnings on which compensation may be paid were raised from \$6,000 to \$6,600 in *Manitoba* and from \$5,000 to \$6,000 in *Quebec*.

In *Newfoundland*, minimum payments of compensation for temporary total disability and permanent total disability were increased, the former from \$15 to \$25 a week, or average earnings, if less, and the latter from \$65 to \$125 a month, or average earnings, if less. In

Quebec, a higher minimum payment for total disability, both temporary and permanent, \$35 a week, or earnings, if less, instead of \$25 a week, or earnings, if less, was also put into effect.

Territorial Ordinances

The Council of the Northwest Territories on November 25, 1967, enacted a Labour Standards Ordinance, modelled on the Canada Labour (Standards) Code, which laid down standards of hours of work, minimum wages, annual vacations and general holidays for employees in industrial establishments in the Northwest Territories. The Ordinance, which is to go into force on a day to be fixed by order of the Commissioner, put into effect the recommendations of a board of inquiry appointed on October 12, 1965.

The Ordinance provides for standard hours of 8 in a day and 48 in a week (after which time and one-half the regular rate must be paid) and for a maximum workday and workweek of 10 and 60 hours, respectively, subject to provision for exceptions in specified circumstances.

As under the Canada Labour (Standards) Code, an employer subject to the Ordinance is required to pay to each employee of 17 years of age and over a minimum wage of \$1.25 an hour, to grant each employee an annual vacation of at least two weeks, with pay at the rate of 4 per cent of earnings, after every completed year of employment, and to give each employee a holiday with pay on each of eight general holidays in a year. An employee is entitled to a holiday with pay only in respect of a general holiday that falls on a regular working day. An employee who is required to work on a general holiday must be paid his regular pay for the day and, in addition, wages at his regular rate for the time worked by him, or he may be given a holiday with pay at some later time convenient to him and his employer.

STATUTORY SCHOOL-LEAVING AGE

In all provinces there is a school attendance law which makes it compulsory for children between specified ages to attend school. Exceptions are permitted where a child is unable to attend because of illness or other unavoidable cause and, in most provinces, because of distance from school (where no conveyance is provided) or lack of school accommodation. Some Acts stipulate that a child may be excused from attendance before reaching the statutory school-leaving age if he has already attained a specified standing. An exception may also be granted

in special cases, if it appears to be in the interest of the child that he should be excused from school attendance or where the child is certified to be under efficient instruction elsewhere.

In all provinces except British Columbia and New Brunswick, a child may be exempted from school attendance for a temporary period if his services are required for necessary farm or home duties or for employment. The New Brunswick Act states that the Minister of Education may issue a certificate relieving a child from school attendance for a maximum period of six weeks in each school term, on the written application of the child's parent, if he agrees with the reasons for such application.

The school-leaving age in each province and the provisions for exemption for employment are shown below. The laws forbid the employment of children of school age during school hours unless a child is excused for any of the reasons provided in the Act.

Statutory School-Leaving Ages and Work Exemptions

*Newfoundland**

15. Exemption: With certificate for a stated period, but if child is under 12 for not more than 2 months in a school year, unless with approval of Minister¹.

Prince Edward Island

15 unless has completed courses in public school. Attendance required for only 75% of term except in Charlottetown and towns where 90% attendance is required. Exemption: (1) For poverty; (2) If 12, for not more than 6 weeks in year².

*Nova Scotia**

16, cities and towns, **14** elsewhere but **15** or **16** may be fixed locally. Exemption: (1) If 12, for not more than 6 weeks in year³; (2) If 13, with employment certificate. Medical certificate may be required.

New Brunswick

15 unless child has passed grade 12. Exemption: Not more than 6 weeks in each school term⁴.

*Quebec**

15. Exemption: Not more than 6 weeks in year⁵.

*Ontario**

16 unless has completed secondary school or equivalent. Exemption: Under 14, for not more than 6 weeks in term⁵; 14-16, if home permit or employment certificate granted. Home permit unnecessary in rural districts but child reaching 14 years during school term must attend school to end of that term.

*Manitoba**

16. Exemption: Over 12, not more than 4 weeks in year⁶.

Saskatchewan

16 unless has passed grade 8. Exemption¹.

*Alberta**

16. Exemption: If 12, not more than 3 weeks in term⁵.

British Columbia

15 unless has completed course at nearest public school and transport to higher school not provided.

*Child reaching school-leaving age required to attend school to end of school year in Newfoundland, Nova Scotia, Ontario and Quebec, to end of term in Manitoba, and in Alberta to end of June term if age reached in that term.

¹If services needed for maintenance of self or others.

²If services needed in husbandry or other necessary employment.

³If services needed in farming, home duties or other necessary employment.

⁴If Minister agrees with the reasons for the parent's application for exemption.

⁵If services needed in farming, home duties, maintenance of self or others.

⁶If services needed in husbandry or home duties.

MINIMUM AGE FOR EMPLOYMENT

The Canada Labour (Standards) Code and regulations do not set an absolute minimum age for employment but lay down conditions under which young persons under 17 years may be employed in federal undertakings. A young person under 17 may be employed in a federal industry only if (1) he is not required to be in attendance at school under the laws of his province; (2) the work in which he is to be employed is not likely to injure his health or endanger his safety; and (3) he is not employed underground in a mine or in work prohibited for young workers under the Explosives Regulations, the Atomic Energy Control Regulations or the Canada Shipping Act.

Employment of young workers under 17 is subject to two further conditions: (4) that an employee under 17 is not required or permitted to work between 11 p.m. and 6 a.m.; and (5) that he is paid not less than \$1 an hour, unless he is undergoing on-the-job training under an approved training plan.

The Canada Shipping Act fixes a minimum age of 15 for employment at sea.

In the provincial jurisdictions, a minimum age for employment is set by mines Acts and a variety of other provincial legislation (child labour laws, the Alberta Labour Act, the Manitoba Employment Stand-

ards Act, the New Brunswick Minimum Employment Standards Act, factory or industrial safety laws and minimum wage orders). No minimum age has been established for employment in agriculture.

Three provinces — British Columbia, Nova Scotia and Prince Edward Island — have a child labour law prohibiting employment below a specified age.

The British Columbia Act forbids employment of a child under 15 in specified industries or occupations, unless a permit is obtained from the Minister of Labour. The Act applies to manufacturing, shipbuilding, electrical works, logging, construction, catering, public places of amusement, the mercantile industry, shoe shine stands, automobile service stations, road transport and the laundry, cleaning and dyeing industry.

Under the Nova Scotia Act, employment of a child under 14 is forbidden in manufacturing, shipbuilding, electrical works, construction, the forest industry, garages and service stations, hotels, restaurants, the operation of elevators, theatres and other places of amusement.

The Prince Edward Island law sets a minimum age of 15 years for employment in mining, manufacturing, shipbuilding, electrical works, construction and transport by road, rail or inland waterway.

In three other provinces — Alberta, Manitoba and New Brunswick — a minimum age is fixed for most employment in the province in a law constituting a labour code or dealing with a number of employment standards.

In Alberta, the minimum age for employment in or about a factory, shop, office building, hotel or restaurant is 15 years. To engage in any other employment, a child under 15 must have the approval of the administrative board and the written consent of his parent or guardian.

In Manitoba, a child under 15 may not be employed in a factory. For any other employment the minimum age is 15, unless a written permit is obtained from the Minister of Labour.

In New Brunswick, no child under 16 years may be employed in any place of employment except a private home or a farm, unless he has written authorization from the Minister of Labour.

In the other provinces, excluding Newfoundland, a minimum age for a wide field of employment is established in factory or industrial safety laws and/or minimum wage orders.

In Ontario, the minimum age for employment in a factory is 15 years, but young persons under 16 may be employed during school hours only if they have an employment certificate. A child of 14 may be

employed in a shop, office or office building, restaurant, bowling alley, pool room or billiard parlour if he has an employment certificate permitting him to be absent from school and if the work is not likely to endanger his safety.

The Ontario Construction Safety Act fixes a minimum age of 16 years but makes provision for the employment of 15-year-olds in such parts of a project as may be designated by the regulations. A minimum age of 16 has been established for the logging industry.

In Quebec, a child under 14 years may not be employed in a factory, shop, hotel, restaurant, theatre or other place of amusement, or as a messenger for a department store or telegraph company, and the legislation states further that a child under 16 may not be employed in any of these workplaces or occupations if he cannot read and write fluently or is not attending night school. A permit from the Provincial Employment Service is required for employment between 14 and 16 years.

Boys and girls under 16 are forbidden to sell papers or carry on any street trade unless they can read and write fluently, and such work may not be carried on after 8 p.m.

In Saskatchewan, no person under 16 may work in a factory, hotel, restaurant, educational institution, hospital or nursing home. For amusement places the minimum age is also 16, subject to provision for exemption at the discretion of the Chairman of the Minimum Wage Board.

The minimum age set by mines Acts and other provincial legislation for employment in mines, factories, shops, hotels and restaurants is set out in the table below. In most provinces, as indicated above, the legislation (apart from mines Acts) covers certain other classes of establishments as well as those set out in the table.

Minimum Age for Employment

Province	Establishment			
	Mines	Factories	Shops	Hotels Restaurants
Newfoundland	18, below ground	—	—	—
Prince Edward Island	—	15	—	—
Nova Scotia	Coal: 18, below Metal: 16, above 18, below	14 ¹	—	14
New Brunswick	Coal: 16, above 16, below Metal: 16, above 18, below	16 except with permit	16 except with permit	16 except with permit
Quebec	16, above 18, below	14 ^{2,3,4}	14 ^{2,3}	—
Ontario	16, above 18, below	15 ¹	14 ^{1,5}	14 ^{1,5} (restaurants only)
Manitoba	16, above 18, below	15	15 except with permit	15 except with permit
Saskatchewan	Coal: 16 Metal: 16, above 18, below	16	—	16
Alberta	17, above 17, below	15	15 ⁶	15
British Columbia	Coal: 16, above 17, below Metal: 18, below ⁷	15 except with permit	15 except with permit	15 except with permit

¹16 from 8 a.m. to 5 p.m. except with employment certificate or except on school holidays.

²The Government may exempt establishments from the Act.

³16 unless able to read and write fluently or attending night school. Permit from Provincial Employment Service required for employment between 14 and 16 years.

⁴For certain dangerous trades, the minimum age is 18 for boys; for others, it is 16 for boys and 18 for girls.

⁵A child of 14 may be employed if the work is not likely to endanger his safety.

⁶Minimum age of 12 years in certain occupations, including work as clerk, delivery boy or delivery girl in retail store, with written consent of parent and subject to restrictions on hours (2 hours on a school day, 8 hours on any other day) if not injurious to life, limbs, health, education or morals.

⁷A boy who has reached the age of 17 may be employed underground for the purpose of training.

MINIMUM WAGES

Minimum wage laws are in force in the federal jurisdiction and in all ten Canadian provinces.

The federal legislation is Part II of the Canada Labour (Standards) Code. The Code sets a minimum rate of \$1.25 an hour for employees in the federal industries. This rate applies to workers of both sexes who are 17 years of age and over, whether employed on a full-time or part-time basis. Young persons under 17, who may be employed only under conditions laid down by the regulations, must be paid not less than \$1 an hour.

Employees who are paid on other than a time basis, such as pieceworkers and persons paid a mileage rate, are required to be paid the equivalent of the minimum wage.

An employer who is providing on-the-job training to increase the skill or proficiency of his employees, in accordance with conditions prescribed by the regulations, may be exempted from paying the minimum wage to such employees during the whole or part of the training period.

The Code provides also for the payment of a wage lower than the minimum rate to handicapped employees under a system of individual permits.

The minimum rate set by the Canada Labour (Standards) Code is the only statutory rate that has been set in Canada.

The minimum wage legislation in each of the provinces authorizes a minimum wage board or other labour board to set or recommend minimum rates of wages. Minimum rates are imposed by minimum wage orders or regulations.

The minimum wage law of Alberta is Part II of the Alberta Labour Act; that of Manitoba is Part II of the Employment Standards Act. The other provinces have individual minimum wage laws.

Except in three provinces, the Acts do not specify how the minimum wage is to be determined. In Manitoba, the board is directed to take into consideration and be guided by "the cost to an employee of purchasing the necessities of life and health". The Saskatchewan board is authorized to fix the minimum wage either on the basis of the necessary cost of living or on the basis of the wages that it considers to be generally prevailing in the class of employment affected. The Quebec

Minimum Wage Commission is directed to consider "competition from outside countries or from the other provinces and the economic conditions peculiar to the various regions of the province".

The practice of the boards is to fix a general basic wage, taking into account the cost of living, economic conditions and other relevant factors. The minimum rate is set mainly for the protection of the unorganized and unskilled worker. It constitutes a floor above which trade unions may negotiate with management for a higher standard. The boards hold public hearings and make extensive inquiries before minimum wage orders are put into effect. Minimum wage orders are reviewed fairly frequently.

The boards that fix minimum wages are usually composed of members who represent the interests of employers and employees and in some cases the general public, with an impartial chairman, frequently an officer of the Department of Labour. In British Columbia at least one member of the board must be a woman, and in Nova Scotia and Saskatchewan there must be two women on the board. There is also a woman on the Alberta board, although this is not required by statute. There are two women on the Manitoba board, representing employers and employees, respectively.

In most provinces minimum wage orders now cover practically all employment except farm labour and domestic service. These two groups are everywhere excluded from minimum wage regulation. In Prince Edward Island, a general minimum wage order covers male workers in most occupations but the only classes of female workers for which minimum rates have been set are restaurant and laundry workers. A few other classes of workers are excluded in other jurisdictions.

In Alberta, British Columbia, Manitoba, Newfoundland, New Brunswick and Ontario, and in Prince Edward Island as regards male workers, minimum rates apply throughout the province. In the other three provinces there are regional differentials in minimum rates. Nova Scotia is divided into three zones for minimum wage-setting purposes; in Quebec there are two zones. In Saskatchewan, rates are set for the ten cities and a five-mile radius of each and for the rest of the province.

In Nova Scotia, Zone IA consists of Halifax-Dartmouth, Sydney and New Glasgow and the surrounding area within a ten-mile radius of each; Zone IB comprises Truro, Amherst and Yarmouth and in each case a five-mile radius; Zone II takes in the rest of the province.

In Quebec, Zone I comprises the Greater Montreal area, consisting of the Island of Montreal, Ile Jésus, Ile Bizard and the Chambly and Taillon electoral districts; Zone II takes in the remainder of the province.

Except in Prince Edward Island, as already indicated, minimum wage orders apply to both men and women. In seven provinces they set the same rate for both sexes. In Newfoundland, Nova Scotia and Prince Edward Island, rates are lower for women than for men.

In all provinces except British Columbia, minimum wage boards issue general orders setting rates that apply to most workers in the province. In most of these provinces the general orders are supplemented by special orders, applying to a particular industry, occupation or class of workers and in some cases taking into account a special skill. The British Columbia board issues a separate order for each industry or occupation. The separate orders together with a general order issued in 1967 applicable to any employees not covered by separate orders provide coverage for most employees in the province.

The majority of the separate orders issued in British Columbia set minimum rates that may be compared to the rates set in general orders in other provinces. Orders governing factories, shops, offices, hotels, restaurants, hospitals, laundries, fish processing and elevator operators and the general order applicable to employees not covered by separate orders now fix a minimum wage of \$1.25 an hour. A number of other orders set a minimum wage of \$1 an hour. In a fairly large number of orders, the board has also set minimum rates for workers having special skills, taking into consideration the prevailing rates in the trade concerned. These rates now range from \$1.30 to \$2.50 an hour. The rate set for pipeline construction and oil-well drilling is \$1.30 an hour; for the logging, sawmill, woodworking and Christmas-tree industries and metal mining, \$1.50 an hour; for construction labourers, \$1.65 an hour; for electronic technicians and stationary steam engineers, \$2 an hour; for journeymen-tradesmen in the shipbuilding industry, \$2.25 an hour; and for automotive mechanics, construction tradesmen, machinists, moulders, refrigeration mechanics and sheetmetal workers, \$2.50 an hour.

For purposes of comparison, the minimum rates shown in the three tables that follow (on pages 32-35) are set out not as general rates but as applying to specific workplaces—factories, shops, offices, hotels and restaurants.

General rates are set by the hour in all provinces except Saskatchewan. In Saskatchewan, weekly rates are set for full-time workers and hourly rates for part-time workers. Weekly rates are also established for a few occupations and classes of workers in various provinces.

In eight provinces the orders provide that inexperienced workers may be employed during a specified period at a rate below the regular minimum. These rates may be applicable generally or to a particular occupation. The learning period varies in length from one to six months (see Table 2, Page 33).

Provision is also made in the legislation of almost all jurisdictions for the employment of handicapped workers at rates below the established minimum either under a system of individual permits or by the setting of a special rate.

In six provinces—Alberta, Manitoba, Nova Scotia, Ontario, Quebec and Saskatchewan—the boards have set special minimum rates for young workers or for workers in certain categories, such as newsboys or messengers. Minimum rates in Newfoundland apply to employees over 17 years. The general minimum wage order for men in Prince Edward Island excludes persons under 18.

In Alberta, the minimum rate for workers under 18 years is 15 cents an hour less than the adult rate. In Manitoba, a minimum rate of \$1 an hour is in effect for workers under 18. In Nova Scotia, minimum rates for workers between 14 and 17 years of age are 15 cents an hour less than the applicable adult rate.

In Ontario, persons under 18 employed as messengers, delivery boys, news vendors, pin setters, shoe shine boys, golf caddies or in the professional shop at a golf course, in a municipal public library or in an amusement or refreshment booth at a fair or exhibition must be paid at least 60 cents an hour.

In Quebec, employees under 18 covered by General Order 4 must be paid at least 85 cents an hour in the Greater Montreal area and at least 80 cents an hour elsewhere in the province. Young workers under 18 employed in service establishments are entitled to minimum rates of 75 cents an hour in Zone I and 70 cents an hour in Zone II. Rates lower than the regular minimum are set also for workers under 19 in sawmills and woodworking plants and for workers under 18 in the

shoe industry. Students and messengers under the age of 18 employed by municipal corporations and school boards must be paid at least 80 cents an hour.

In Saskatchewan, workers under 17 must be paid \$2 less than the adult rate, i.e., \$38 a week in the cities and \$36 a week in the smaller centres.

Most general orders contain a "daily guarantee" or "call-in pay" provision requiring an employee who is called to work to be paid for a certain number of hours, even if he is not put to work or if he works for a shorter period. This two-, three- or four-hour minimum period, as the case may be, must be paid for at the minimum rate, except in British Columbia, where payment is required at the employee's regular rate of pay.

Tipping is dealt with specifically in the Newfoundland, New Brunswick, Nova Scotia, Ontario and Quebec legislation (and also in the federal labour code). These provisions make it clear that gratuities are not to be counted as part of wages. Quebec orders state that tips are the exclusive property of the employee, and the employer is not allowed to retain them or to consider them as part of the wages paid, even with the employee's consent. Boards in other provinces take the position that gratuities are not to be regarded as wages.

The frequency and method of wage payment also are dealt with in the minimum wage orders of several provinces. The federal labour code and the minimum wage legislation of four provinces (British Columbia, Manitoba, Quebec and Saskatchewan) lay down requirements regarding the furnishing of pay statements to employees.

In all these jurisdictions except Manitoba, the employer is required to give each employee on each regular payday a statement showing specified particulars, such as the number of hours the employee is being paid for, wage rate, details of deductions, and net earnings. In the federal jurisdiction, an employer may be exempted from this requirement by order of the Minister of Labour and in Saskatchewan, by permit from the Chairman of the Minimum Wage Board.

In Manitoba, an employer is required to furnish pay statements only at the written request of the employee. The employee may request that he be given a statement on each regular payday or in

respect of a particular pay period. In the latter case, the request must be made at least three days before payday.

Pay statements are compulsory also under the Wages Act of Ontario and under the Alberta Labour Act. In Alberta, employers with 11 or more employees must give their employees pay statements with their pay for each pay period. The employer with fewer than 11 employees must furnish such a statement on request. Under annual vacations legislation in New Brunswick and Prince Edward Island, if an employee requests it, his employer must furnish him with an earnings statement for any specified period.

Requirements are also laid down in minimum wage orders regarding the provision and maintenance of uniforms, where these are required to be worn.

There are provisions in the orders of most provinces (and also in the federal labour code) relating to charges or deductions for board and lodging, where furnished by the employer to the employee.

In some jurisdictions (federal, Alberta, Newfoundland, New Brunswick, Nova Scotia and Quebec), the orders set limits on the amounts by which such charges may reduce the minimum wage. The Ontario orders fix the maximum amounts at which meals or a room or both may be valued for minimum wage purposes, where board and lodging are provided as part of wages. In the other provinces, the orders set the maximum charges or deductions that may be made.

In Manitoba, an employer who is in the business of supplying meals to customers may not charge an employee more than half the charge made to a customer for the same meal. If he is not in the business of furnishing meals, he may not deduct more than the prescribed amounts.

Saskatchewan orders for educational institutions, hospitals and nursing homes limit deductions for board and lodging only where the rate of wages of employees is \$41 a week or less.

Maximum charges or deductions are not set in British Columbia orders. If the board finds that services are inadequate or charges are excessive, it may specify the maximum charges that may be made.

The maximum permitted charges or deductions for board and/or lodging under the Canada Labour (Standards) Code and the provincial minimum wage orders are as follows:

	<i>Meals</i>		<i>Lodging</i>		<i>Board and Lodging</i>
	single	per week	per day	per week	per week
Federal.....	50¢		60¢		
Alta.....	35¢	\$6	50¢	\$3	
Man.....	35¢ ¹	\$7		\$3	
Nfld.....	25¢ ²				
N.B.....	50¢	\$7.50		\$2.50	\$10
N.S.....	40¢	\$7		\$3	\$10
Ont.....	50¢ ³			\$5	\$15
Que.....	60¢			\$3	\$15
Sask.....	30¢ (or 90¢ per day) ⁴		25¢ ⁴		

¹35¢ per meal or \$7 for all meals furnished in a week, whichever is the lesser amount (see preceding page).

²Applies to hotel and catering industry, including hospitals, sanatoria and nursing homes.

³50¢ per meal for each period of at least 4 hours worked in a day, and an additional 50¢ per meal when more than 2 hours remain after the employee's workweek has been apportioned into such 4-hour periods.

⁴Applies to hotels, restaurants, educational institutions, hospitals and nursing homes (see preceding page).

The above charges apply generally or to the classes of workplaces indicated. Maximum deductions in construction, mining, primary transportation, logging and sawmill operations in New Brunswick are \$2.10 a day for board and lodging or 70 cents for a single meal. In sawmill and forest operations in Quebec deductions may not exceed \$1.95 a day for board and lodging or 65 cents for a single meal. Charges or deductions for board and lodging in logging and forest operations in Nova Scotia and Saskatchewan may not exceed \$2 a day. In service establishments in Quebec, not more than 20 per cent of an employee's minimum wage may be deducted for heated lodging and not more than 15 per cent of the minimum wage for unheated lodging provided by the employer for the employee.

1. Minimum Rates for Experienced Workers*

Province	Establishment	
	Factories—Shops Offices	Hotels—Restaurants
Newfoundland	per hour 50¢ (women) 70¢ (men)	Same
Prince Edward Island	per hour \$1.10 (men over 18) ¹	per hour \$1.10 (men over 18) Restaurants in Charlottetown and Summerside and five-mile radius: per week \$21, waitresses \$16, other female workers (Charlottetown) \$23, female cashiers (Summerside)
Nova Scotia	per hour Workers 17 and over: men \$1.10, Zone IA \$1.05, Zone IB 95¢, Zone II women 85¢, Zone IA 80¢, Zone IB 70¢, Zone II	Same
New Brunswick	per hour \$1 ²	Same
Quebec	per hour Workers 18 and over: \$1.05, Zone I \$1, Zone II ³	per hour 95¢, Zone I 90¢, Zone II
Ontario	per hour \$1 ⁴	Same
Manitoba	per hour Workers 18 and over: \$1.10 increasing to \$1.15 on April 1, 1968 \$1.20 on August 1, 1968 \$1.25 on December 1, 1968	Same

*For description of zones, see page 26.

¹90¢ an hour for male workers in food processing plants; 55¢ an hour for female laundry workers.

²\$1.25 an hour for sawmill operations.

³\$1.25 an hour in Zone I and \$1.15 an hour in Zone II for workers in sawmills; \$1.30 in Zone I and \$1.20 in Zone II for workers in woodworking plants; rates for skilled employees such as machinists and stationary engineers are 15 cents an hour higher than the general rates.

⁴90¢ an hour for seasonal workers who work not more than 16 weeks in year in plants processing fruits and vegetables.

Province	Establishment	
	Factories—Shops—Offices	Hotels—Restaurants
Saskatchewan	per week Workers 17 and over: \$40, ten cities and five-mile radius \$38, rest of province	Same
Alberta	per hour Workers 18 and over: \$1.25	Same
British Columbia	per hour \$1.25 ⁵	Same

⁵\$1.50 an hour in sawmill and woodworking industries.

2. Minimum Rates and Learning Periods for Inexperienced Workers*

Province	Establishment	
	Factories—Shops—Offices	Hotels—Restaurants
Prince Edward Island	per hour Except for seasonal or casual workers, minimum rate becomes effective 60 days from date of hiring (men only) During probationary period of 30 days in laundries: 50¢ (women only)	Same for male workers per week During probationary period of 60 days in Summerside and 30 days in Charlottetown in restaurants: \$18, waitresses \$20, female cashiers (Summerside only)
Nova Scotia	per hour Workers 17 and over, during probationary period of 350 hours: men 95¢, Zone IA 90¢, Zone IB 80¢, Zone II ¹ women 70¢, Zone IA 65¢, Zone IB 55¢, Zone II ¹	Same

*For description of zones, see page 26. The Newfoundland and Saskatchewan orders make no provision for lower rates for learners. Some British Columbia orders make provision for rates lower than the minimum in the first three months of employment. These rates do not apply to the workplaces shown in the table, except to factories in which the fresh fruit and vegetable industry is carried on.

¹Unless the Minimum Wage Board gives express approval, not more than 25% of the total number of employees in an establishment may be paid inexperienced workers' rates. In a hotel, restaurant, motel or tourist resort from June 15 to September 15, however, up to 60% of the employees may be inexperienced.

Province	Establishment	
	Factories—Shops—Offices	Hotels—Restaurants
New Brunswick	per hour During first 4 months of employment: 20 cents an hour less than the minimum rate ²	same
Quebec	per hour Workers 18 and over, during first 60 working days: 95¢, Zone I 90¢, Zone II	per hour During first 60 working days: 85¢, Zone I 80¢, Zone II
Ontario	per hour During first 4 months of employment: 90¢ ²	per hour For first month of employment: 90¢ ²
Manitoba	per hour Workers 18 and over, during first 3 months of employment: 15 cents an hour less than the minimum rate, but not less than \$1 an hour; during second 3 months: 5 cents an hour less than the minimum rate ³	Same
Alberta	per hour During 2 four-week periods in the garment industry: \$1 (first 4 weeks); \$1.15 (second 4 weeks) ⁴	—

²Not more than 20% of the total number of employees in an establishment may be employed as learners.

³Minimum rates may also be set for learners for a training period in a permit issued by the Minister. The training period may not exceed 6 months and the starting rate must be at least 75% of the minimum rate.

⁴To pay inexperienced workers' rates, employer must obtain permit from Board. Not more than 25% of the workers employed by an employer in the garment industry may be paid inexperienced workers' rates.

3. Overtime Rates

Province	Establishment
	Factories—Shops—Offices Hotels—Restaurants
Newfoundland	For hourly paid workers, $1\frac{1}{2}$ times the minimum rate after 8 hours and for work on Sunday; for workers paid a fixed weekly or monthly wage, $1\frac{1}{2}$ times the minimum rate after 48 hours ¹
Prince Edward Island	$1\frac{1}{2}$ times the minimum rate after 48 or normal hours, if less, in restaurants in Charlottetown and Summerside and five-mile radius (women only)
Nova Scotia	$1\frac{1}{2}$ times the minimum rate after 48 hours
New Brunswick	$1\frac{1}{2}$ times the minimum rate after 48 hours ²
Quebec	$1\frac{1}{2}$ times the regular rate after 48 hours in factories, shops and offices; $1\frac{1}{2}$ times the minimum rate after 54 hours in hotels and restaurants ³
Ontario	—
Manitoba	$1\frac{1}{2}$ times the regular rate after 8 and 44 hours (women) and after 8 and 48 hours (men) ⁴
Saskatchewan	$1\frac{1}{2}$ times the regular rate after 8 and 44 hours, ⁵ but after 48 hours in shops and offices in centres with under 500 population, and after 48 hours in hotels and restaurants in centres other than cities ⁴
Alberta	$1\frac{1}{2}$ times the regular rate after 9 and 44 hours
British Columbia	$1\frac{1}{2}$ times the regular rate after 8 and 40 hours ⁶

¹The overtime provisions do not apply to shop employees governed by the Hours of Work Act (see page 45).

²One and one-half times the minimum rate after 54 hours in sawmill operations.

³Workers in factories, shops and offices who are paid by the week, fortnight, month or year are not entitled to overtime pay if they receive at least \$70 a week in Zone I and \$60 in Zone II; other employees are exempted if their pay for the normal workweek is at least \$80 in Zone I and \$70 in Zone II. Workers in hotels and restaurants who are paid on a fixed yearly, monthly or weekly salary basis at least \$70 a week in Zone I and \$60 in Zone II are not entitled to payment for overtime. For description of zones, see page 26.

⁴Provision for overtime pay is contained in Part III of the Employment Standards Act in Manitoba and in Hours of Work Act and orders in Saskatchewan.

⁵Overtime payable after 9 and 44 hours in case of 5-day week.

⁶Where the Board approves an agreement under which hours limits may be exceeded, provided the weekly average over a specified period does not exceed 44 hours, the overtime rate must be paid after an average of 40 hours in a week.

EQUAL PAY

The Parliament of Canada enacted legislation in 1956, the Female Employees Equal Pay Act, which requires payment of equal remuneration for equal work as between the sexes in employment within federal labour jurisdiction.

Eight provinces—Alberta, British Columbia, Manitoba, New Brunswick, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan—also have equal pay laws. The Alberta legislation forms Part VI of the Alberta Labour Act. In Ontario and Nova Scotia, equal pay, fair employment practices and fair accommodation practices laws have been combined in one statute (the Ontario Human Rights Code and the Nova Scotia Human Rights Act). The Quebec fair employment practices law (an Act respecting discrimination in employment) forbids discrimination in employment on the basis of sex, thus prohibiting, *inter alia*, discrimination in rates of pay solely on grounds of sex (see page 63).

The British Columbia, New Brunswick and Ontario Acts prohibit an employer from paying a female employee at a rate of pay less than the rate paid to a male employee for *the same work done in the same establishment*. The Nova Scotia and Prince Edward Island statutes contain a similar prohibition but, as amended in 1967, refer to *substantially the same work done in the same establishment*. The Saskatchewan Act forbids discrimination in the payment of wages between a female employee and a male employee for *work of comparable character done in the same establishment*.

The federal, Manitoba and Alberta statutes are alike in referring to *identical or substantially identical work* but the Manitoba Act differs from the other Acts in that it forbids discrimination against either sex in the payment of wage rates. Under the Manitoba Act, an employer is forbidden to pay to the employees of one sex wages on a scale different from that on which wages are paid to employees of the other sex in the same establishment, *if the work required of, and done by, employees of each sex is identical or substantially identical*. The federal and Alberta Acts forbid an employer to employ a female employee for any work at a lesser rate of pay than the rate at which he employs a male employee for *identical or substantially identical work*.

By way of clarification, the federal and Manitoba Acts state that the work of a male and a female employee is to be deemed identical or substantially identical if the job, duties or services the employees are

called upon to perform are identical or substantially identical (in Manitoba, "identical or substantially identical in kind or quality and substantially equal in amount").

All the Acts make it clear that a difference in rates of pay based on a factor other than sex does not constitute failure to comply with their requirements. The federal and Manitoba Acts list a number of these factors, stating that a difference in rates of pay of male and female employees based on length of service or seniority, location or geographical area of employment (and, in Manitoba, performance or capacity), or any other factor other than sex considered by a referee or court to justify payment of different rates is not considered to be in contravention of the law.

"Establishment", as used in the substantive provision of the provincial Acts, except that of Alberta, is defined as a place of business or the place where an undertaking is carried on.

The Manitoba, New Brunswick, Ontario and Saskatchewan Acts are applicable to provincial government employees. The federal Act covers employees of Crown corporations but does not apply to other federal public servants. Rates of pay of classified public servants are set by classification, according to the type of work performed, without any distinction based on sex.

Under all the Acts, enforcement begins with the filing of a written complaint by the person claiming to have been discriminated against. In Manitoba, the employee must make a complaint within 30 days after receiving his or her first wages at an unlawful rate in order to have it dealt with under the Act.

A complaint is to be registered in the federal jurisdiction and in New Brunswick with the Minister of Labour; in British Columbia, Manitoba, Nova Scotia and Saskatchewan, with a designated officer of the Department of Labour (the director); in Alberta, with the Chairman of the Board of Industrial Relations; in Prince Edward Island, with the Labour Relations Board; and in Ontario, with the Ontario Human Rights Commission.

In all jurisdictions except Prince Edward Island, the legislation provides for an initial informal investigation into a complaint (under the federal Act, by a fair wage officer; in Ontario, by the Ontario Human Rights Commission; and in the other provinces, by an officer of the Department of Labour — in Manitoba, by an officer of the Department of Labour or any other person).

In New Brunswick, Nova Scotia, Ontario and Saskatchewan, if the person designated to make the inquiry is unable to settle the matter, a

board or commission of one or more persons may be appointed. In Alberta and British Columbia, the complaint may be referred to an existing board, the Board of Industrial Relations. Under the federal and Manitoba Acts, the second stage of the procedure is the appointment of a referee, who may or may not be an officer of the Department of Labour.

The board, commission or referee is given full powers to conduct a formal inquiry. All the Acts provide that the parties to the complaint must be given an opportunity to present evidence and to make representations.

The recommendations of the board, commission or referee, as the case may be, may be put into effect by an order of the Minister of Labour, except under the federal and Alberta Acts. Under the federal Act, the referee, and under the Alberta Act, the Board of Industrial Relations, is empowered to issue an order. Compliance with the order is required.

Under the federal Act, the order of the referee may include a requirement to pay any wages owing to the employee as a result of the employer's failure to comply with the Act during a period of up to six months preceding the date of the complaint.

In Manitoba, an information may be laid against an employer who fails to comply with an order of the Minister and the magistrate may order the employer to pay any wages found to be due to the employee.

The Prince Edward Island Act authorizes the Labour Relations Board to "inquire into the complaint and endeavour to effect a settlement of the matters complained of". There is no provision for a Board order with which compliance is required.

Provision is made in all the Acts for prosecution in the courts as a last resort. Failure to comply with the Act or an order is made an offence punishable by a fine. In Alberta, the court, in addition to imposing a fine, must order the employer to pay any back wages owing to the employee, covering a period of up to six months before the beginning of the prosecution. Under the federal Act, the employer may also be made liable for payment of wages found to be due, covering a maximum period of six months.

In the federal jurisdiction and in Manitoba, employees bound by collective agreements are in certain circumstances not permitted to make a complaint under the Act. Under the federal Act, the employees excluded are those subject to an agreement which contains an equal pay provision in substantially the same terms as the Act and which sets out a

grievance procedure for the settlement of disputes. In Manitoba, no complaint may be made against an employer bound by a collective agreement to which the Labour Relations Act or Part XVIII of the Public Schools Act applies.

Five of the Acts — the federal Act and those of Alberta, Manitoba, Nova Scotia and Prince Edward Island — make it an offence for an employer to dismiss or otherwise discriminate against an employee because he has made a complaint or given evidence under the Act.

HOURS OF WORK

FEDERAL

Hours of work of employees in undertakings within federal labour jurisdiction are regulated by the Canada Labour (Standards) Code, Part I.

The Code sets a standard workday and workweek and requires payment of an overtime rate for work done beyond the hours specified. It also establishes a maximum workweek, overtime hours being restricted to 8 in a week, except in special circumstances.

Under the Code, standard hours (the number of hours that may be worked at regular rates of pay) are limited to 8 in a day and 40 in a week. Hours in excess of 8 and 40 may be worked, however, provided one and one-half times the regular rate is paid, up to a maximum of 48 hours in a week.

In a week in which an employee is entitled to a holiday with pay (Under Part IV of the Code) the overtime rate is to be paid after 32 hours, instead of 40. In calculating overtime for the week, no account is to be taken of any time worked on the holiday.

Since some types of employment may call for a more flexible arrangement of working hours, the Code permits the averaging of hours over a period of two or more weeks. Under a system of averaging, working hours may vary from day to day or from week to week so long as the total standard hours do not exceed 40 multiplied by the number of weeks in the averaging period. The overtime rate (one and one-half times the regular rate) must be paid at the end of the averaging period for all hours worked in excess of such standard hours.

The total number of hours that may be worked by an employee in an averaging period is the product of the number of weeks in the period multiplied by 48.

Averaging is permitted for any class of employees who have no regularly scheduled working hours or who have regular hours but the

number of hours scheduled differs from time to time. On notification to the Department of Labour, an employer may select an averaging period of 13 weeks or less.

If an employer requires a longer period for averaging than 13 weeks in order to provide for a period in which fluctuations take place (e.g., where there are seasonal rush and slack periods during the year), he must obtain the approval of the Minister of Labour. The same conditions apply as to a period of 13 weeks or less. The period over which hours may be averaged may be as long as a full year.

An employer who has adopted an averaging plan is required to post clear information about the plan in places where it can readily be seen by the employees affected.

When an employee terminates his employment of his own accord during an averaging period, he is not entitled to overtime pay. If his employment is terminated by the employer, however, he must be paid overtime pay for any hours worked in excess of an average 40-hour week over the period he has worked.

Exceptions from the maximum workweek are permitted in certain circumstances. Work in excess of 48 hours in a week (or the maximum hours established in an averaging period) may be allowed under permit, when the Minister, having given due regard to the conditions of employment and the welfare of the employees, is satisfied that such exceptional conditions exist as to make the working of additional hours necessary.

A permit is issued for a definite period of no longer duration than the time the exceptional circumstances are expected to continue. The permit may specify either the total amount of excess overtime that may be worked in the period or the additional number of hours per day or per week that the employees may work. The number of employees engaged in such excess overtime and the extent of the overtime worked by each must be reported in writing to the Minister within 15 days after the overtime permit expires or within a time fixed in the permit.

Maximum weekly hours may also be exceeded to make up for the time lost due to an accident, breakdown in machinery or other emergency. The employer is required to report such emergency work within a specified time.

The operation of Part I may be deferred or suspended with respect to any undertaking or class of employees for a period of not more than 18 months by an order of the Minister, or, following an inquiry, for a longer period by an order of the Governor in Council, made on the recommendation of the Minister.

An order of the Minister may simply remove the obligation to comply with Part I pending further investigation or it may set hours of work standards to be observed for its duration. An order of the Governor in Council must lay down standards of working hours, and such standards may vary for different periods of time. The order may not be amended or revoked without the holding of a further inquiry.

In addition to a number of orders applying to specified employers in respect of certain classes of employees and granting deferments for varying periods not exceeding 18 months from the dates of the orders, general orders were issued by the Minister of Labour suspending the application of Part I to navigation and shipping in Newfoundland until December 31, 1967, and to the interprovincial and international trucking industry until July 1, 1968. In both cases an inquiry commission was appointed to inquire into and report on hours of work and employment in the industry.

As a result of the inquiry into navigation and shipping in Newfoundland, an Order in Council—the Newfoundland Shipping Hours of Work Extension Order—was issued on December 13, 1967, suspending the operation of Part I to the industry for a period ending December 31, 1973. The Order sets standards of working hours for four periods, two one-year periods and two of two years, providing for a gradual reduction of working hours.

The Minister issued also a general order of suspension of hours of work in all other navigation and shipping in Canada. This order will terminate on December 31, 1968.

PROVINCIAL

General Hours of Work Laws

Five provinces have Acts of general application regulating working hours (the Alberta Labour Act, Part I; the British Columbia Hours of Work Act; the Manitoba Employment Standards Act, Part III; the Ontario Hours of Work and Vacations with Pay Act; and the Saskatchewan Hours of Work Act). These Acts are of two types.

The Acts of Alberta, British Columbia and Ontario set a maximum number of hours per day and per week beyond which an employee must not work. Hours are limited in Alberta and British Columbia to 8 in a day and 44 in a week and in Ontario to 8 in a day and 48 in a week.

All three laws provide for exceptions in certain circumstances. Exceptions are authorized in orders or regulations of the administrative

board or through the issuing of a permit. In both Alberta and British Columbia, the administrative board has authority not only to permit working hours to exceed statutory limits but also to fix the minimum wage payable for overtime. In both provinces the board has made special orders for a considerable number of industries, permitting variations from the daily and weekly hours specified in the Act or exempting workers entirely from hours limitations.

The regulations under the Ontario Act are of general application and limit overtime to 100 hours in each year for each employee. To work such overtime, however, authorization must be obtained from the administrative board. Engineers, watchmen, firemen, receivers, shippers and other persons engaged in non-productive work may, with board approval, work 12 hours' overtime in each week. Overtime work of young persons under 18 is limited to 6 hours in a week.

The Manitoba and Saskatchewan Acts set standard hours as opposed to maximum hours. They do not limit the hours which may be worked in a day or in a week but require the payment of time and one-half the regular rate after a specified number of daily or weekly hours. To prevent the working of excessively long hours, the Saskatchewan Legislature amended its law in 1958, empowering the Lieutenant-Governor in Council to limit daily hours in any occupation to 12, except in special circumstances or when permission to work longer hours has been obtained from the Minister of Labour. Only one such regulation has been made, setting a daily limit of 12 hours for highway construction and maintenance.

The Manitoba law requires payment of the overtime rate (time and one-half) after 8 and 48 hours (44 for women).

The Saskatchewan Act requires payment of the overtime rate after 8 and 44 hours.

The Manitoba and Saskatchewan laws also provide for exceptions. The Manitoba law permits working hours to be varied in certain circumstances without payment of the overtime rate.

In Saskatchewan, it has been necessary to provide for some relaxation of the provisions of the Act, and regulations permit a 48-hour week to be worked in workplaces, other than factories, in the smaller centres before overtime rates apply. Other regulations permit hours to be averaged over a specified period, thus allowing some variation from week to week. Certain classes of employees have been entirely exempted from the Act, with the result that these classes have no entitlement to overtime pay.

Under all the Acts, there is provision for working 9 or more hours in a day in order to establish a 5- or 5½-day week, so long as weekly hours are not exceeded. There is also provision, except in Saskatchewan, for hours to be exceeded in emergencies.

Maximum hours fixed under provincial hours of work laws and the application of each Act in general terms are set out below.

PROVINCE	DAILY AND WEEKLY LIMITS	APPLICATION
Alta.	8, 44	All employment except farm labour and domestic service. Exceptions allowed for some industries (e.g., trucking, taxicab, lumbering, highway and pipeline construction).
B.C.	8, 44	Applies to industries in Schedule, including <div> <div>mining</div> <div>manufacturing</div> <div>construction</div> <div>barbering</div> <div>mercantile</div> <div>baking</div> </div> <div> <div>catering</div> <div>elevator operators</div> <div>hotel clerks</div> <div>truck drivers</div> <div>bus operators</div> </div> Exceptions allowed for some industries (e.g., trucking, logging, fruit and vegetable canning, bus operators).
Ont.	8, 48	Industrial undertakings. Funeral directing, commercial fishing, taxi and ambulance drivers, resident janitors or caretakers, salesmen, farm workers, domestic servants and a few other occupations excluded.
Man.	Limits of 8, 48 (men) and 8, 44 (women) apply unless time and one-half the regular rate is paid.	Applies to most employment. Farming, domestic service, fishing and construction excluded.
Sask.	Limits of 8, 44 (8, 48, except for factories, in smaller centres) apply unless time and one-half the regular rate is paid.	Most employment. Farm workers, domestic servants in private homes, janitors in residential buildings, logging, fishing and fish processing, road construction excluded. Exceptions allowed for some industries (e.g., oil truck drivers, newspaper staff, pipeline construction).

Other Legislation Restricting Hours

Apart from general hours of work laws, other statutes regulate working hours in some industries. Schedules under industrial standards legislation in six provinces, and decrees under the Quebec Collective Agreement Decrees Act regulate hours in construction and other industries. Schedules and decrees apply to designated zones; a number apply throughout the province. Generally speaking, standard weekly hours for the construction trades range from 40 to 48, but 50-, 54- and 55-hour limits are in effect in some areas of Quebec. A 40-hour week is the usual standard in the larger centres. In another industry regulated by schedules and decrees in Ontario and Quebec, the manufacture of men's and ladies' clothing, standard weekly hours are usually $37\frac{1}{2}$ or 40.

In Manitoba, maximum hours which may be worked at regular rates are set under the Construction Industry Wages Act, which applies to both private and public construction work. At the present time a 40- or $42\frac{1}{2}$ -hour week is in effect for most classifications of construction work in the Greater Winnipeg area, and a 48-hour week in the rest of the province. In the heavy construction industry, the maximum hours of work payable at regular rates are 60 except in Metropolitan Winnipeg during the period from November 1 to April 30, when a 48-hour week is in effect.

Mining legislation in New Brunswick and Nova Scotia, which sets a maximum 8-hour day for underground work in mines, provides the only statutory regulation of hours of work of miners in those provinces; hours of work Acts apply to mining in other provinces.

Working hours of women and young persons are restricted by the New Brunswick Minimum Employment Standards Act and by factory legislation in two other provinces. Under the New Brunswick Minimum Employment Standards Act, which is applicable to any place of employment other than a private home or a farm, hours of women and boys under 18 years are limited to 9 in a day and 48 in a week, unless special permission to work longer hours is obtained from the Minister of Labour. Quebec factory law restricts hours of women and boys under 18 to 10 in a day and 55 in a week in factories and to 60 hours in a week in commercial establishments in towns with more than 10,000 people. In Saskatchewan, women and boys under 18 employed in factories are prohibited from working more than 48 hours in a week.

The minimum wage regulations in Manitoba limit the number of hours of overtime which women may work to 3 in a day, 12 in a week and 24 in a month.

In Newfoundland, the Hours of Work Act limits working hours of shop employees anywhere in the province to 8 in a day and 40 in a week, unless one and one-half times the regular rate is paid.

In all provinces except Manitoba, Ontario and Saskatchewan, there is also some indirect regulation of hours by virtue of provisions in minimum wage orders requiring the payment of an overtime rate after a specified number of hours of work.

A minimum wage order of considerable significance with regard to working hours because of its wide coverage is General Minimum Wage Order 4 in Quebec. Order 4 is a blanket order applying to all employees in the province except those covered by decrees, workers governed by special minimum wage orders, farm workers, domestic servants, workers whose hours cannot be controlled and a few other minor groups. The minimum rates set by Order 4 apply to a "normal workweek" of 48 hours, after which an overtime rate of one and one-half times the regular rate must be paid. Exemptions are permitted, however, from the requirement to pay the overtime rate, and the determining factor is the amount of pay received for the regular workweek. Workers receiving less than a specified weekly amount are not entitled to overtime pay. Certain other classes of employees are excluded from the overtime provisions of the Order.

In British Columbia, in an increasing number of minimum wage orders, payment of time and one-half the regular rate is required after 40 hours in a week. The 40-hour standard workweek, after which the overtime rate is to be paid, is now in effect in factories, shops, offices, hotels and catering, laundries, fish processing, construction, the logging, sawmill, woodworking and Christmas-tree industries, and in a considerable number of other employments.

In Saskatchewan, the Minimum Wage Board has no authority to fix overtime rates. All overtime pay requirements are laid down in the Hours of Work Act and orders under it. In Manitoba, overtime pay requirements are contained in Part III of the Employment Standards Act.

Overtime rates fixed under provincial minimum wage orders are shown on page 35.

WEEKLY REST-DAY

The Canada Labour (Standards) Code (Section 7) provides that employees must be given at least one full day of rest in the week, on Sunday wherever possible.

Two exceptions from this general rule are provided for in the regulations. A weekly rest-day does not need to be granted where working hours are averaged over a specified period.

Where working hours in excess of 48 in a week are allowed under a permit from the Minister of Labour, the Minister may specify in the permit that a weekly rest need not be scheduled, as required by the Code, and may prescribe alternative periods of rest.

Nine provinces—Alberta, British Columbia, Manitoba, Newfoundland, New Brunswick, Nova Scotia, Ontario, Quebec and Saskatchewan—provide for a weekly rest-day but the provisions vary in scope.

The Alberta Labour Act requires all employed persons except farm workers and domestic servants to be given a day of rest immediately following each period of not more than six consecutive days of work, unless the Board of Industrial Relations orders that the hours of rest be allowed in two periods or that a longer period than 24 hours be granted. The Act enables the Board to make special provision for days of rest in continuous industries and permits a consecutive rest period every four weeks or in relation to some other work period which the Board may deem proper. Under this authority the Board has made special provision for accumulated days of rest in the highway construction, geophysical exploration, land surveying, brush clearing, oil well drilling, oil well service and pipeline construction industries and for cooks, night watchmen, etc., in lumber camps.

Orders under the British Columbia Minimum Wage Acts provide for a rest period of 32 hours weekly for workers in factories, shops, offices, hotels and catering, laundries, hospitals, the logging, sawmill, woodworking and Christmas-tree industries, shipbuilding, for first aid attendants, for elevator operators, for men in undertaking establishments, for janitors, for patrolmen, for taxicab drivers and for bicycle-riders and foot-messengers employed exclusively on delivery. The general minimum wage order issued in 1967 also provides for a 32-hour weekly rest. Different arrangements may be made on application of the employer and employees concerned, if the Board approves. An order governing employees in resort hotels in unorganized territory during the summer season provides for a weekly rest of 24 hours.

In Manitoba, a weekly day of rest, if possible Sunday, must be granted to employees in mining, manufacturing, shops, offices, catering, barbering and hairdressing, the insurance business, the baking industry, the transport of goods by road, the processing and distribution of milk

and its products and to elevator operators and hotel clerks. Exempted are watchmen, janitors and firemen living in the building in which they are employed; persons not usually employed more than five hours in a day; managers and supervisory employees; repair workers in emergencies; and persons employed for not more than three hours on a weekly rest-day merely for the purpose of looking after horses as part of their usual duty. The Minister of Labour is given discretion to exempt a particular undertaking from the application of weekly rest provisions for a fixed period or indefinitely. Where a plant is exempted, each employee must be given an additional holiday without pay for each weekly day of rest to which he would have been entitled except for the permit of exemption, and the holidays may be accumulated.

In Newfoundland, the Hours of Work Act, which applies to shops throughout the province, requires shop assistants to be given a day off each week in addition to Sunday, except in the weeks in which 8 specified holidays occur. In the weeks in which 5 other specified holidays occur, they must be given a day off in addition to Sunday and the holiday.

The New Brunswick Minimum Employment Standards Act requires employers to give their employees a weekly rest of at least 24 consecutive hours, to be taken if possible on Sunday. Where a weekly rest is impracticable, the Minister of Labour may permit rest periods to accumulate and to be taken later, either part at a time or all together. The only employees not covered are farm workers, employees required to cope with an emergency and part-time workers who are not usually employed more than five hours in a day. Certain groups of employees may be designated by the Lieutenant-Governor in Council as being outside the scope of the Act.

In Nova Scotia, every employer in mining, manufacturing and construction is required to grant his employees a weekly rest of at least 24 hours. Wherever possible, the period of rest must be on Sunday and must be granted simultaneously to the whole of the staff of each undertaking.

In Ontario, in cities of 10,000 or more people, workers in hotels and restaurants must be allowed a weekly rest-day, Sunday if possible. Watchmen, janitors, foremen, and those employed for five hours or less in a day are exempted.

In Quebec, Minimum Wage Order 4, applying generally to all industries within the scope of the Act not covered by special orders, provides for a weekly rest of at least 24 consecutive hours or two periods of 18 consecutive hours each for the employees covered by its provi-

sions. Farm workers, domestic servants and employees covered by decrees under the Collective Agreement Decrees Act are the only workers not within the scope of the Minimum Wage Act. Six special minimum wage orders contain the same provision as Order 4. Under the Quebec Weekly Day of Rest Act, persons employed in hotels, restaurants or clubs in places of at least 3,000 population must have 24 consecutive hours of rest in a week. In the Quebec district, the inspector may permit two periods of 18 consecutive hours each instead of one 24-hour period. Where there is only one cook, the 24-hour rest may be replaced by two 12-hour periods.

The Saskatchewan statute provides for a weekly rest of at least 24 hours, wherever possible on Sunday, for the employees of any employer covered by an order of the Minimum Wage Board. (Only agriculture, domestic service and a few other occupations are not covered by minimum wage orders.) Exempted are managers, employees not usually working for more than five hours in a day, and repair men in emergencies. The Minister of Labour may exempt particular employers for not more than one year. Any specified class of employers may be excluded by Order in Council, subject to such conditions as may be prescribed.

ANNUAL VACATIONS WITH PAY

Annual vacations with pay have been provided for by law in the industries subject to federal labour jurisdiction since 1958. The first federal law, the Annual Vacations Act, required employers within its scope to grant their employees paid vacations of one week after one year of employment and two weeks after two years of service. This Act was replaced by Part III of the Canada Labour (Standards) Code, which provides for a vacation with pay of at least two weeks after every completed year of employment. Vacation pay is 4 per cent of wages for the year in which employees establish their claim to a vacation.

A year of employment, under the federal law, must be continuous with one employer, and may be a 12-month period commencing with the day the employee began to work for the employer or any subsequent anniversary of that date, or it may be a calendar year or another year approved by the Minister of Labour.

Of the ten provinces, all except Newfoundland have annual vacations legislation. The provisions regarding annual vacations with pay are contained in the Alberta Labour Act and in two orders under it (a general order and a special order for the construction industry); in the Ontario Hours of Work and Vacations with Pay Act and regulations;

and in Quebec Minimum Wage Orders 3, 7 and 9*. British Columbia now provides for annual vacations with pay and public holidays in one statute, the Annual and General Holidays Act. The other five provinces have separate annual vacations laws. Vacation with pay provisions are also contained in most decrees under the Quebec Collective Agreement Decrees Act†. Some industrial standards schedules make provision for pay in lieu of annual vacations.

The Canada Labour (Standards) Code applies to industries within federal jurisdiction and the only employees excluded are those who are managers or superintendents or who exercise management functions, and members of the medical, dental, architectural, engineering, legal and scientific professions.

The provincial laws govern employees in employment within the jurisdiction of the province, with the exception of the classes of employees noted below.

Farm workers are excluded in all provinces. In addition, British Columbia excludes persons employed in horticulture; Ontario, in growing flowers, fruits or vegetables; Manitoba and Saskatchewan, in ranching and market gardening. Domestic servants are exempted in all provinces except Saskatchewan but in Prince Edward Island the exclusion is limited to domestic servants who are employed for a period of less than two months.

Also excepted are workers employed in lumbering in Nova Scotia, workers employed in commercial fishing in Nova Scotia, Ontario and Prince Edward Island, and workers employed in canneries that operate less than four continuous months in a year in Prince Edward Island.

Professional workers are excluded in British Columbia and Ontario, public school teachers in Prince Edward Island, and members of family undertakings in Saskatchewan. Salesmen paid entirely by commission are excluded in Alberta, Ontario and Quebec. Special categories of salesmen, such as real estate and insurance agents, are also outside

*The legislation described in this section is Minimum Wage Order 3. Order 9 of the Minimum Wage Commission governing forest operations provides that every employee must be given vacation pay equal to 2 per cent of earnings on termination of employment or, if employment has been continuous for the previous 12 months, during the month of May of each year. Order 7 governing the shoe industry requires every employer to grant his employees two consecutive weeks of vacation, with vacation pay at 4 per cent of wages, every year. Except for office workers, watchmen and instock employees, the vacation period must be the second and third weeks of July.

†Provisions for an annual vacation with pay or pay in lieu of a vacation vary in the approximately 100 decrees in effect under the Collective Agreement Decrees Act and are not dealt with in this publication. The Department of Labour or Minimum Wage Commission has no jurisdiction with respect to the administration and enforcement of the decrees, which are under the supervision of the parity committee concerned.

the scope of the Alberta and Quebec vacation orders. Part-time workers employed four hours or less in a day or 24 hours or less in a week are not covered in New Brunswick and Prince Edward Island; those regularly working less than three hours in a day are excluded in Quebec; and those employed for eight hours or less in a week are exempted from the Alberta order.

In Quebec, members of the clergy or of a religious institution, persons employed by religious institutions, teachers and secretaries who are employed by municipal corporations and school commissions and whose hours cannot be verified, certain classes of students, and the husband or wife and children of the employer are not entitled to an annual vacation or vacation pay.

The large group of workers governed by decrees under the Collective Agreement Decrees Act are also outside the scope of the Quebec vacation order (see footnote on page 49). Workers governed by a collective agreement in British Columbia are exempted from the Act if the Minister of Labour approves the vacation provisions of the agreement. Similarly, in Ontario, if the Industry and Labour Board approves the vacation provisions in collective agreements, such provisions prevail, notwithstanding anything to the contrary in the Act or regulations.

Under the Canada Labour (Standards) Code, as indicated above, an employee is entitled to two weeks of vacation with pay after a year's service. In New Brunswick, Prince Edward Island and Quebec, the vacation with pay to which a worker is entitled under the law is one week after a year of employment; in Ontario, workers are entitled to a vacation of one week after each of the first three years of employment and to two weeks after the fourth year and each subsequent year; in Alberta, British Columbia, Manitoba and Nova Scotia, a vacation of two weeks must be granted after a year of employment.

The Saskatchewan Act provides for an annual paid vacation of two weeks after each of the first four years of service and of three weeks after the fifth year and each year thereafter. The period of five years of employment with the same employer necessary for an employee to qualify for a three-week vacation may be continuous or may be made up of "accumulated" years, provided that no break in employment exceeds 6 months (182 days). The Saskatchewan Act provides also that a system of cumulative vacations may be established by regulations, under which an employee may, by agreement with his employer and with the approval of the Minister, postpone one week of his vacation each year for a period not exceeding four years.

The length of the vacation period and the vacation pay requirements in the various jurisdictions are shown in the table below:

PROVINCE	LENGTH OF ANNUAL VACATION	VACATION PAY
Federal	2 weeks	4% of annual earnings
Prince Edward Island	1 week	2% of annual earnings
Nova Scotia	2 weeks	4% of annual earnings
New Brunswick	1 week	2% of annual earnings
Quebec	1 week	2% of annual earnings
Ontario	1 week; 2 weeks after 4 years' service	2% of annual earnings in first three years; 4% of annual earnings after fourth year
Manitoba	2 weeks	Regular pay
Saskatchewan	2 weeks; 3 weeks after 5 years' service	1/26 of annual earnings in first four years; 3/52 of annual earnings after fifth year
Alberta	2 weeks	Regular pay
British Columbia	2 weeks	4% of annual earnings

In Quebec, if a worker has worked less than a year, he is entitled to a half-day of vacation for each calendar month of employment; in Saskatchewan, a worker with less than a year's service his employer may be given one day of vacation for each month.

Several of the laws specify the working time constituting a year of employment. In British Columbia and New Brunswick, a year's service consists of not less than 225 working days (in New Brunswick, working days or shifts). In Manitoba, an employee is held to have completed a year's service if he has worked not less than 95 per cent of the regular working hours during a continuous 12-month period. In Alberta, Nova Scotia and Prince Edward Island, the employee must have worked 90 per cent or more of the working time during the year (of the regular working days in the establishment in Alberta and of regular working hours in Nova Scotia and Prince Edward Island).

Where a worker has worked less than the prescribed working time for a year's continuous service and continues to work for the same employer, he is entitled to an annual vacation on a pro rata basis in Alberta, and to accrued vacation pay for the period worked during the year in British Columbia, New Brunswick and Nova Scotia (at the rate of 4 per cent of earnings in British Columbia and Nova Scotia and at the rate of 2 per cent in New Brunswick). The vacation pay is payable in New Brunswick not later than the next regular pay period after the end of the vacation pay year, and in the other two provinces within a month after the anniversary date of the workman's employment. A worker in the construction industry in Ontario whose employment with his employer extends beyond June 30 (the date fixed for cashing of stamps) must be given vacation stamps on that date equal in value to 2 or 4 per cent of his earnings, as the case may be, during the preceding period of employment.

The employer may determine the time when each of his employees may take the annual vacation to which he is entitled, within certain limits laid down by law. The vacation must be given in New Brunswick not later than 4 months after June 30; in Saskatchewan within 10 months, and in the federal jurisdiction, British Columbia, Manitoba, Nova Scotia, Ontario and Prince Edward Island, not later than 10 months, after the date on which the employee becomes entitled to a vacation; in Quebec, within 12 months after May 1; and in Alberta, not later than 12 months after the date of entitlement.

An employer in a federal undertaking is required to pay his employees their vacation pay at least one day before the beginning of the vacation, except in cases where it is the custom of the establishment to pay vacation pay on the regular pay day during or immediately following an employee's vacation. Most of the provincial laws also require vacation pay to be paid at least one day before the vacation begins. The Quebec order simply states that vacation pay is to be paid before the employee's departure on vacation. In Saskatchewan, an employer must pay an employee his vacation pay during the 14 days immediately preceding the beginning of the vacation.

The Canada Labour (Standards) Code and four of the provincial laws stipulate that an employee's annual vacation is to be extended by one day in lieu of a public holiday that occurs during the vacation. (In Manitoba and Saskatchewan, a holiday is defined as a day for which he is entitled to be paid wages without being present at work.) The federal and Saskatchewan laws provide further that for the extra day the employee is to be paid the wages to which he is entitled for the holiday.

Under the federal law and all nine provincial laws, workers are entitled to vacation pay on termination of employment during a working year.

Two of the laws provide, however, that a worker must have completed a minimum period of service in order to be entitled to vacation pay on termination of employment. Under the federal Act, an employee must have been continuously employed by the employer for a period of 30 days or more in order to be eligible for vacation pay. In Nova Scotia, the minimum period of service specified is three months.

The vacation pay payable on termination of employment is 4 per cent of the employee's total earnings for the period of his employment under the federal Act and in British Columbia and Nova Scotia; 4 per cent of the employee's total earnings for the period of his employment earnings where the employee has completed less than 36 months of employment and 4 per cent where the employee has completed 36 or more months of employment in Ontario; 1/26 or 3/52 of total earnings, depending on the year of employment, in Saskatchewan; and 2 per cent of total earnings in the other provinces.

In Nova Scotia and Ontario, a stamp system is used for the payment of vacation pay in the construction industry. In Ontario, workers must be given vacation stamps when employment with an employer ends. The employer is required to affix stamps equivalent in value to 2 or 4 per cent of the worker's earnings, as the case may be, within 10 days after the worker presents his book. In Nova Scotia, the employer must furnish each hourly paid employee with a stamp book, if he does not have a current one, and place in it stamps equivalent to 4 per cent of the employee's earnings within three days after each payday. Stamps may be exchanged for their cash value at a savings bank at any time after the anniversary date of the worker's employment in Nova Scotia, and after June 30 in each year in Ontario.

In Alberta, employers in the construction industry must give each employee (except office staff) vacation credits at the end of each regular pay period. The vacation credits (4 per cent of the employee's regular earnings) are to be recorded in the employer's payroll. The employee must be given the amount of money equivalent to his accrued vacation credits on December 31 or on termination of employment. If he is entitled to an annual vacation, he must be paid his vacation pay the day before his vacation commences.

Minimum wage orders in Prince Edward Island governing women workers in restaurants in Charlottetown and Summerside and in

laundries throughout the province require these workers to be granted a week's vacation with full pay after a year of continuous employment and a two-week vacation after two years of service.

PUBLIC HOLIDAYS

FEDERAL

Under the Canada Labour (Standards) Code, Part IV, eight public holidays in a year are to be observed as paid holidays.

An employee employed in an industry to which the Code applies is entitled to a holiday with pay on each of the following general holidays: New Year's Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day. The Code provides also that, under certain conditions, an alternative holiday may be substituted for any of the eight holidays specified.

Should a holiday occur on a day on which an employee does not normally work, he must be granted a day off with pay in lieu of the holiday, either at a time convenient to him and his employer or by the addition of a day to his annual vacation.

If Christmas, New Year's Day or Dominion Day falls on a Saturday or Sunday that is a non-working day for an employee, he must be given a holiday with pay on the working day immediately before or after the general holiday. These provisions regarding alternative days off do not apply, however, to employees covered by a collective agreement that entitles them to at least eight paid holidays a year.

The Code lays down the general principle that an employee in a federal undertaking who does not work on a holiday is entitled to his regular pay for the day. If he is paid by the week or month, his wages must not be reduced by reason of his not working on a holiday. If he is paid on any other basis, he must receive the equivalent of a normal day's pay.

An employee in a federal undertaking who is required to work on a general holiday (other than one employed in a "continuous operation") is entitled to his regular wages for the day and, in addition, to time and one-half his regular rate for all time worked. In effect, he is paid two and one-half times his usual rate.

An employee employed in a "continuous operation" (defined to include employment concerned with the operation of trains, planes, ships, trucks and other vehicles, telephone, radio, television and telegraph services, or any other service normally carried on without regard

to Sundays or holidays) *either* must be paid his regular wages for the day, plus time and one-half his regular rate for all time worked *or* must be granted a holiday with pay at some other time, either a day added to his annual vacation or another day convenient to him and his employer.

There are some situations in which an employee is not entitled to holiday pay. An employee is not entitled to pay for a general holiday that occurs in his first 30 days of employment with an employer, but if he is required to work on a holiday he must be paid time and one-half his regular rate. If he is employed in a continuous operation, he may be paid at his regular rate for work done on a holiday.

A further exception is that an employee is not entitled to pay for a general holiday on which he does not work if he is not entitled to wages for at least 15 days during the 30 calendar days immediately preceding the holiday.

An employee in a continuous operation is not entitled to pay for a general holiday if he did not report for work in response to a call from the employer.

Special regulations for longshoremen provide that a longshoreman employed by an employer who is a member of a "multi-employer unit" is entitled to holiday pay if he is entitled to wages for at least 15 days or 120 hours in the 30 calendar days immediately preceding a general holiday. Pay for the holiday may not be less than eight times the employee's basic hourly wage rate.

A longshoreman employed by an employer who is not a member of a "multi-employer unit" must be paid, on each pay day, in lieu of general holidays, an amount equal to 3 per cent of his basic wage rate multiplied by the number of hours he has worked for the employer in the pay period.

An employee who is required to work on a general holiday is to be paid at not less than one and one-half times his basic rate of wages for the time worked by him on that day.

PROVINCIAL

Five provinces—Alberta, British Columbia, Manitoba, Nova Scotia and Saskatchewan—have enacted legislation of general application dealing with public holidays. Three provinces (Saskatchewan, British Columbia and Alberta) have legislation similar in principle to the federal holiday provisions, and two (Manitoba and Nova Scotia) have regulated pay for work on public holidays.

Saskatchewan

In Saskatchewan, minimum wage orders require employees who do not work on any of eight public holidays to be paid their regular pay. The eight holidays are New Year's Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day.

If required to work on a holiday, employees in almost all workplaces must receive, in addition to their regular pay for the holiday, time and one-half the regular rate for every hour or part of an hour worked, in effect, two and one-half times their regular pay.

A major exception to the above rule is that workers in hotels, restaurants, hospitals, nursing homes and educational institutions who are required to work on a holiday must be paid, in addition to their regular pay, wages at the regular rate, or they may be granted equivalent time off at regular rates within four weeks.

When Christmas or New Year's Day falls on Sunday, the requirements set out above apply to the following Monday. They also apply when the Monday following Remembrance Day is declared a holiday. By agreement between an employer and a trade union representing a majority of the employees in an appropriate bargaining unit, another working day may be substituted for any of the eight listed holidays. Where workers are not represented by a trade union, the Minister of Labour may by order permit a similar substitution, if he is satisfied that the employer and a majority of the employees are in favour of the change.

For workers in the construction industry and in logging and lumbering the orders provide for payment of a lump sum in lieu of pay for eight listed holidays.

Hourly rated workers in the construction industry who do not work on any of the eight specified holidays must be given holiday pay in a lump sum in an amount equal to 3 per cent of their gross wages for the calendar year, exclusive of overtime. Payment must be made on December 31 or on termination of employment whichever occurs first.

Workers who work on the holidays must be paid, in addition to the lump sum payment, wages at the rate of time and one-half their regular rate for all time worked. The latter amount must be paid in the pay period in which it is earned.

Workers in the logging and lumbering industries must also be given a lump sum payment equal to 3 per cent of their gross wages, exclusive

of overtime. The provisions applicable to these workers are the same as those governing construction workers, with one exception. Workers in logging and lumbering who work on a public holiday must be paid regular pay (rather than time and one-half the regular rate) for all time worked, in addition to the lump sum payment to which they are entitled.

Under both orders, workers who are represented by a trade union have an option as to payment for public holidays not worked. Where a majority of the employees in an appropriate bargaining unit are represented by a trade union, the union and the employer may, by agreement in writing, elect that the workers be paid regular wages for each holiday under the terms of the general order, instead of a lump sum payment.

Alberta

In Alberta, a general holiday order requires employers to give their employees five paid holidays a year—New Year's Day, Good Friday, Dominion Day, Labour Day and Christmas Day.

The rule is that, if one of the five "general holidays" falls on a regular working day for the employee and he does not work on that day, he is entitled to his regular wages for the day.

If the employee is hired by the week or month, his wages must not be reduced by reason of his not working on the holiday. If he is paid on a daily or hourly basis, he must be paid at least the equivalent of the wages he would have earned for his normal hours of work. If his wages are calculated on other than an hourly, daily, weekly or monthly basis, he must receive the equivalent of his average daily earnings, exclusive of overtime, for the four weeks he worked immediately preceding the week in which the holiday occurred.

Where an employee is required to work on a general holiday, he must be paid his regular pay for the day and, in addition, his normal wages for all time worked, or he must be given a holiday with pay at some other time not later than his next annual vacation or on termination of employment, whichever occurs first.

An employee is not entitled to a holiday with pay if he has not worked for his employer for at least 30 days in the preceding 12 months; or if he does not work on the holiday when he has been required or scheduled to do so; or if he is absent without the employer's consent on either of the working days immediately preceding or following the holiday. If such an employee works on a general holiday, he must be paid at least his normal wages for all time worked.

If an employee is not required to work on a general holiday, he must not be required to work on another day of that week that would otherwise be a day of rest, unless he is paid his normal wages for the day, in addition to all other wages due him.

The order does not apply where, by agreement, contract of service or custom, an employee receives at least an equivalent sum in respect of general holidays, in addition to any wages earned on such days.

Construction workers in Alberta, with the exception of office staff, must be given holiday pay in a lump sum in lieu of being given a holiday with pay on each of the five general holidays.

An employer in any branch of the construction industry is required to pay each of his employees a sum equal to 2 per cent of his regular pay for the period of his employment or the period since he was last paid such sum, whichever is shorter. Pay in lieu of holidays must be given on December 31 of each year or on termination of employment, whichever occurs first.

British Columbia

In British Columbia, an order made under the Annual and General Holidays Act provides for eight paid general holidays a year, the same holidays as those provided for in the federal and Saskatchewan legislation. Another day may be substituted for any of the listed holidays.

The order does not apply to employees covered by a collective agreement under the Labour Relations Act. Also excluded are farm workers, horticultural workers, domestic servants, professional employees and trainees, salesmen of automobiles and other vehicles, mobile homes and heavy duty industrial equipment, and employees exempted by regulation from the Minimum Wage Acts (e.g., commercial travellers, employees of the Pacific Great Eastern Railway, handicapped employees and supervisory, managerial and confidential employees).

An employee who is not required to work on a general holiday that would otherwise be a working day must be paid his regular pay for the day. If he is paid by the week or month, his wages must not be reduced by reason of his not working on a holiday. If he is paid on any other basis, he must receive the equivalent of a normal day's pay.

Where an employee's working hours vary from day to day, or where his wages are not calculated on a time basis, his pay for a general holiday may be deemed to be the average of his daily earnings, exclusive of overtime, for the days he has worked in the four-week period immediately preceding the week in which the holiday occurs.

If a holiday falls on a day that is a non-working day for the employee, he must be given a holiday with pay at some other time not later than his next annual vacation or on termination of employment, whichever occurs first.

As in Alberta, an employee who is not required to work on a general holiday must not be required to work on another day of that week that would otherwise be a day of rest, unless he is paid at his regular rate for all hours worked, in addition to all other wages due him.

Where the employee is required to work on a holiday, he must be paid, for the holiday, time and one-half his regular rate for all hours worked and, in addition, must be given a holiday with pay at some other time not later than his next annual vacation or on termination of employment, whichever occurs first. For purposes of this provision, "regular rate" means the average of the employee's hourly earnings, exclusive of overtime, for the hours he has worked in the four-week period immediately preceding the week in which the holiday occurs.

An employee is not entitled to pay for a general holiday that occurs in his first 30 days of employment. An employee is also excluded from holiday benefits if he has not earned wages for at least 15 days during the 30 calendar days immediately preceding the holiday.

Manitoba

The Manitoba provisions, which are contained in the Employment Standards Act, prohibit work on specified public holidays unless an overtime rate is paid.

In all employment except farming, subject to the exceptions noted below, workers are entitled to time and one-half their regular rate if required to work on seven "general holidays"—New Year's Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day and Christmas Day.

For workers employed in a continuously operating plant, a seasonal industry, a place of amusement, a gasoline service station, a hospital, a hotel or a restaurant, or in domestic service, compensatory time off with pay may be substituted, in accordance with custom or agreement. Domestic servants may be granted two half-days off in lieu of a holiday. The compensatory time off must be given within 30 days of the holiday, unless another date is fixed at the request of the employee.

A special Act in Manitoba deals with the observance of Remembrance Day. Except in farming and certain essential services, work may

not be performed except by permit from the Minister of Labour. Overtime provisions are not applicable on Remembrance Day. Any employee, other than a watchman, furnace tender or janitor, who is required to work and who is paid at his regular rate of pay must be granted equivalent compensatory time off, without loss of pay, within 30 days.

Nova Scotia

In Nova Scotia, the general minimum wage order provides that, if an employee is required to work on a holiday which is not a regular working day for that employee, the employer must either pay him at the rate of time and one-half the minimum rate, or grant him time off equivalent to one and one-half hours for every hour worked on the holiday. The same conditions are laid down for workers in road building and heavy construction and for workers in beauty parlours. "Holiday" is not defined in the orders but as defined in the provincial Interpretation Act covers nine holidays.

Employees in a motel, hotel, restaurant, tourist resort or hospital may be paid the regular straight-time rate for work done on a holiday.

Other Legislation Dealing with Holidays

Provisions in minimum wage orders in Prince Edward Island and Manitoba deal with the question of pay for public holidays to the extent of prohibiting deductions from the minimum wage for time not worked on a holiday.

The Prince Edward Island minimum wage orders applying to women workers in restaurants in Charlottetown and Summerside and a five-mile radius of each and in laundries throughout the province prohibit any deduction from the minimum wage for time not worked because of public holidays, if an employee has worked all the scheduled working days in the week during which the holiday occurs, and where a holiday falls on Monday, if she worked the last scheduled working day immediately before the holiday. They provide, in addition, that a worker who is required to work on a public holiday must be granted a day off without deduction within 14 days.

In Manitoba, both men and women workers are protected against a reduction in the minimum wage for time not worked on a general holiday (as listed above) which falls on a regular working day. Where an employee does not work on a holiday but does work the regularly scheduled hours on all the other working days in the week, it is to be

presumed, for the purpose of determining the minimum amount of wages to be paid to the employee for that week, that he worked regular hours on the holiday. An employee does not lose the benefits of this provision through being absent on either the day before or the day after the holiday because of established illness or with the employer's consent.

Under the Municipal Act of British Columbia, shops in all municipalities must be closed on Christmas Day and the day immediately following, New Year's Day, Good Friday, Dominion Day, Victoria Day, Labour Day, Remembrance Day, the Queen's birthday, Thanksgiving Day and any day designated as a provincial or municipal holiday. There is also legislation in Newfoundland requiring shops to be closed on 12 specified public holidays and on one additional holiday fixed by the municipality.

Provisions prohibiting work on specified public holidays except with permit, stipulating that certain holidays must be observed as paid holidays, or requiring the payment of an overtime rate for work done on specified holidays are regular features of the decrees under the Quebec Collective Agreement Decrees Act and of industrial standards schedules in Alberta, Newfoundland, New Brunswick, Nova Scotia, Ontario and Saskatchewan. These provisions, while regulating a considerable portion of industry, particularly in Quebec, apply only to certain trades and areas in the province concerned. They are not dealt with in this publication.

FAIR EMPLOYMENT PRACTICES

Fair employment practices Acts prohibiting discrimination in hiring and conditions of employment and in trade union membership on grounds of race, colour, religion or national origin are in effect in nine jurisdictions.

The Canada Fair Employment Practices Act applies to employment in industries within the legislative jurisdiction of the Parliament of Canada, and covers all employers within that jurisdiction, with two exceptions: (1) employers who employ fewer than five employees, and (2) nonprofit charitable, philanthropic, educational, fraternal, religious or social organizations or organizations operated primarily to foster the welfare of a religious or racial group.

Similar laws are in force in eight provinces — Alberta, British Columbia, Manitoba, New Brunswick, Nova Scotia, Ontario, Quebec and Saskatchewan. In Ontario and Nova Scotia, fair employment practices, equal pay and fair accommodation practices laws have been con-

solidated in one statute (the Ontario Human Rights Code and the Nova Scotia Human Rights Act). The Alberta Human Rights Act and the New Brunswick Human Rights Act are combined fair employment practices and fair accommodation practices Acts.

The British Columbia Act not only makes it unlawful to discriminate in employment and trade union membership on the basis of race, colour, religion or national origin but also forbids discrimination on grounds of age (against persons between the ages of 45 and 65). In Ontario, a separate Act, the Age Discrimination Act, enacted in 1966, forbids discrimination in employment or trade union membership against persons between 40 and 65 years because of their age. The Quebec Act respecting discrimination in employment includes in its prohibited employment practices discrimination on the basis of sex.

Each of the provincial Acts covers most employers within the jurisdiction of the province. In British Columbia, Manitoba and Quebec, as under the federal Act, employers with fewer than five employees are exempted. The Acts do not apply to domestic service in private homes or to nonprofit charitable, philanthropic, fraternal, religious or social organizations. Educational institutions also are excluded, with two exceptions. The British Columbia Act applies to schools operating under the Public Schools Act. In Saskatchewan, educational institutions are covered but the right of a school or board of trustees to hire persons of a particular religion where religious instruction forms or can form part of the instruction provided is recognized. The Quebec Act exempts the directors or officers of a corporation, managers, superintendents, foremen and persons who represent the employer in his relations with his employees.

In Alberta, Manitoba, New Brunswick, Ontario, Quebec and Saskatchewan, the prohibitions of the Act apply to the provincial Government in the same way as to private employers.

All the Acts forbid discrimination on grounds of race, colour, religion and national origin but these prohibitions are expressed in somewhat different terms. The Nova Scotia and Saskatchewan Acts include "religious creed" as well as "religion". In place of "religion", the Ontario Act specifies "creed" and the Alberta Act specifies "religious beliefs". "National origin" is defined in the Manitoba Act to include ancestry, and in the federal and New Brunswick Acts to include nationality and ancestry. The forbidden bases of discrimination are "ancestry or place of origin" in Alberta; "nationality, ancestry or place of origin" in British Columbia and Ontario; and "ethnic or national origin" in Saskatchewan.

The Quebec Act defines "discrimination" as "any distinction, exclusion or preference made on the basis of race, colour, sex, religion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation".

In prohibiting discrimination in employment on grounds of sex in its fair employment practices law, Quebec has followed a different practice from other Canadian jurisdictions. All other jurisdictions except Newfoundland have enacted equal pay laws forbidding discrimination in rates of pay solely on grounds of sex.

On any of the above grounds (including sex in Quebec and age in British Columbia and Ontario) an employer is forbidden to refuse to employ or to discharge or to discriminate in any other way against any person in regard to employment or any term or condition of employment.

The Acts contain further prohibitions regarding the publication of advertisements, the use of application forms and the making of inquiries, in connection with the hiring of an employee by an employer, which express or imply discrimination on any of the forbidden grounds or which require an applicant to furnish information as to his race, colour, religion or national origin.

Under most of the Acts a refusal to employ, a limitation, specification or preference as to race, colour, religion or national origin which is based upon "a *bona fide* occupational qualification" is permitted. A provision to this effect is contained in the federal, Alberta, British Columbia, Manitoba, New Brunswick and Saskatchewan Acts. Similarly, the Quebec law states that any distinction, exclusion or preference based on the inherent requirements of a particular job is not to be considered discrimination.

The prohibitions noted above are applicable to employment agencies as well as to employers, and the federal, Manitoba, Nova Scotia and Saskatchewan Acts forbid an employer to use an employment agency that practices discrimination against persons seeking employment.

Trade unions (in Quebec, associations of employees) are forbidden to exclude any person from membership, to expel or suspend any of their members, or to discriminate in any other way against a member or other person. The Alberta and Quebec laws also forbid employers' associations to discriminate in admitting, suspending or expelling a member.

In the federal jurisdiction and in Alberta, Manitoba, New Brunswick, Nova Scotia and Saskatchewan, employers and trade unions may not discharge or otherwise discriminate against any person for making a complaint under the Act.

The provisions for enforcement of the fair employment practices Acts are similar to those laid down in the equal pay laws. Action in all cases is initiated by the filing of a written complaint. In Quebec, a complaint must be made to the Minimum Wage Commission, which is responsible for the administration of the Act. In Saskatchewan, a complaint must be filed with the Attorney-General's Department. In the other jurisdictions, complaints are dealt with in the Department of Labour. In New Brunswick and Ontario, a Human Rights Commission administers the Act, and in these two provinces complaints are made to the Commission.

The Acts provide first for an informal investigation and, in most jurisdictions, as a second step, for the appointment of a commission or board of inquiry consisting of one or more persons to deal with a complaint that is not settled at the earlier stage. In British Columbia, the Board of Industrial Relations acts as a commission of inquiry; in Quebec, the Minimum Wage Commission, one of its members or a person appointed by it may investigate the matter further. The Quebec Minimum Wage Commission must report on the inquiry to the Minister of Labour but there is no provision for a ministerial order. In the federal jurisdiction and in the other seven provinces, upon receipt of the board's or commission's recommendations, the Minister may issue an order to put them into effect. In New Brunswick, the Human Rights Commission, in addition, is authorized to issue an order that must be complied with.

Two Acts provide a right of appeal. Under the Manitoba Act, a person affected by an order of the Minister has the right to appeal to a judge of the Court of Queen's Bench. In Alberta, where a board of inquiry has found a complaint to be justified, the person against whom the finding was made may lodge an appeal to the district court. Under both Acts, the hearing of the appeal is a trial *de novo*, and the decision of the judge is conclusive. Under the other Acts, the Minister's order is final and must be complied with.

Prosecution under the Acts, for which the consent of the Minister is required, may result in a fine.

Educational programs designed to promote understanding of and compliance with the legislation are authorized by the federal, Alberta, Manitoba, Nova Scotia, Ontario and Saskatchewan Acts. An extensive

public information program designed to eliminate discriminatory practices is carried on in a number of jurisdictions.

In Nova Scotia, a seven-member Human Rights Commission, of which three members are the Deputy Ministers of the Departments of Education, Labour and Public Welfare, respectively, and four are representative persons selected from the community, was set up by Act of the Legislature in 1967. The duties of the Commission are to conduct and encourage research in the general field of human rights, to co-ordinate the activities of the various government departments concerning human rights, to advise the Government on human rights matters and to develop a program of public information and education in the field of human rights.

NOTICE OF TERMINATION OF EMPLOYMENT

Four provinces, Manitoba, Saskatchewan, Nova Scotia and Quebec, have legislation requiring an employer or employee to give notice of termination of employment. The legislation is contained in Part III of the Employment Standards Act in Manitoba, in the Minimum Wage Acts of Saskatchewan and Nova Scotia, and in the Civil Code in Quebec.

In Manitoba, an employer or employee in any work or occupation except farming must give notice of termination of employment and, except in the case of a person paid less frequently than once a month, the period of notice required is one regular pay period. If employees are paid less often than once a month, reasonable notice must be given. Notice of termination is not required if an employee is hired for a fixed period.

The requirements for giving notice do not apply if a general custom or practice prevails in an industry which is contrary to the terms of the Act or where different conditions concerning notice are established by collective agreement. If employment is terminated during an employee's first two weeks in a job, notice is not required unless the employer and employee have agreed in writing that the requirements of the Act will apply.

An employer is permitted to establish a practice whereby employment may be terminated with a shorter period of notice than that provided for in the Act, and the practice is considered to have been established one month after he has notified each of his employees in writing of the practice and has posted a notice setting out the terms of the practice. Each new employee must be informed of the practice by written notice at the time employment begins.

Complaints of failure to give the required notice may be made in writing to the Minister of Labour within a period of 90 days after employment is terminated. A procedure is laid down in the Act for the settlement of such complaints.

In Saskatchewan, an employer is forbidden to discharge (unless for just cause other than shortage of work) or lay off an employee who has been in his service continuously for three months or more without giving him at least one week's written notice. "Lay-off" is defined as a temporary dispensation with an employee's services for a period of more than six consecutive days.

An employee who has been given written notice is entitled, in respect of the period of notice, to his actual earnings during the week or his normal wages for one week, exclusive of overtime, whichever amount is greater. If notice is not given, the employee is entitled to his normal wages for one week, exclusive of overtime. Where an employee's wages vary from week to week, his normal weekly wage is to be obtained by averaging his earnings, exclusive of overtime, for the four-week period immediately preceding the date on which notice was given or, if no notice was given, the date of discharge or lay-off.

In Nova Scotia, as in Saskatchewan, an employer is required to give an employee with three months' continuous service or more at least one week's written notice of termination of employment or lay-off. The provisions in these two provinces are the same so far as the employer's obligation is concerned. The Nova Scotia Act also requires an employee with three months' service or more to give his employer at least one week's notice of his intention to terminate his employment.

When employment is terminated for any reason or after any period of employment, the employer is required to pay all wages owing within ten days of termination.

The Nova Scotia provisions regarding notice of termination of employment do not apply where another period of notice or another time of payment of wages is provided for in a written contract of employment between an employer and an employee or in a collective agreement between the employer and a trade union of which the employee is a member.

In both Nova Scotia and Saskatchewan, the requirement to give notice applies to all employees except farm labourers and domestic servants.

In Quebec, Section 1668 of the Civil Code requires a domestic servant, journeyman or labourer engaged by the week, month or year to

give one week's notice of termination of employment if hired by the week, two weeks' notice if by the month, and a month's notice if by the year. The employer must give similar notice where an employee's services are no longer required. In lieu of notice, the employer may pay the employee the wages he would have earned during the notice period.

Some decrees under the Quebec Collective Agreement Decrees Act require the giving of notice of termination of employment.

MATERNITY PROTECTION

Legislation to ensure protection of the health and job security of women workers before and after childbirth is in force in British Columbia and New Brunswick.

British Columbia has a special law on the subject, the Maternity Protection Act, 1966. The New Brunswick provisions are Sections 11-13 of the Minimum Employment Standards Act, 1964, a law which regulates various conditions of employment.

These laws, which cover all types of employment except those carried on in a private home or on a farm (and in British Columbia horticultural operations), provide for 12 weeks' maternity leave, six weeks before and six weeks after childbirth, the postnatal leave being compulsory. The right to maternity leave is supplemented by a guarantee that a woman will not lose her employment, for reasons arising from her absence on maternity leave, for a period of 16 weeks.

Under both Acts, a woman is entitled to leave her work for a period of up to six weeks preceding her confinement, upon production of a medical certificate showing the presumed date of confinement.

Both Acts provide for six weeks' compulsory leave after childbirth or a longer period in certain circumstances. The New Brunswick Act forbids an employer to employ an employee for six weeks following childbirth or, on production of a medical certificate, during a longer period. In British Columbia, upon receipt of a medical certificate stating the date of delivery, the employer is forbidden to allow the employee to work for six weeks following that date, or during the period recommended in the certificate, if longer.

Both Acts provide protection against dismissal for a period of up to 16 weeks, forbidding an employer to give notice of dismissal (and in British Columbia to dismiss an employee) for reasons arising out of absence on maternity leave during that period.

Laws in Alberta and Ontario give authority to the Board of Industrial Relations and the Lieutenant-Governor in Council, respectively, to deal with the matter of maternity protection by regulations.

Under a provision of the Alberta Labour Act, enacted in 1947, the Board of Industrial Relations has authority to prohibit the employment of a pregnant woman on day shifts for six weeks before and two months after delivery, and on night shifts during the whole period of pregnancy and for two months after delivery. The Board has not exercised this authority.

The Ontario Industrial Safety Act, 1964, which provides for the making of regulations on a wide variety of matters to ensure the safety and health of persons employed in industrial establishments, authorizes the making of regulations to regulate the employment of pregnant women in factories and shops. No such regulations have been issued.

WORKMEN'S COMPENSATION

All provinces have a workmen's compensation law of the "collective liability" type.

In each province a Workmen's Compensation Act applicable to most industries and occupations provides for the payment of compensation to a workman or his dependants in case of accident or industrial disease arising out of and in the course of employment. The only exceptions are (1) where the workman is disabled for less than a stated number of days, or (2) where the injury is attributable solely to his serious and wilful misconduct and does not result in death or serious disablement.

Compensation is payable by employers collectively. Compensation, medical expenses and other benefits are paid from a provincial Accident Fund built up by annual assessments, in the form of a percentage of payroll, levied on employers covered by the Act. For assessment purposes, industries are classified according to their hazard and each class is liable for the cost of accidents occurring in that class. No contributions from employees are permitted.

The compensation to which a workman is entitled under the Act takes the place of his right of action, and he may not sue his employer in court for damages for an injury sustained in the course of employment.

Benefits under the Acts include periodic payments to the workman during the period of temporary disablement (in all provinces on the basis of 75 per cent of average earnings, subject to the maximum

annual earnings provided in the Act); an award for permanent disability (also based on 75 per cent of average earnings and subject to the ceiling on earnings provided in the Act) in the form of a monthly pension for life or, when disablement is slight, paid in a lump sum; all necessary medical aid, including hospitalization; and rehabilitation. In case of death by accident, fixed monthly payments are made to dependants. In addition to a monthly pension, a widow receives a lump sum payment and an allowance for funeral expenses.

There are two federal laws, one providing for compensation for employment injury to employees of the Government of Canada and the other covering merchant seamen not protected by a provincial Act. The federal Government Employees Compensation Act provides that compensation benefits payable to an employee of the Crown are to be the same as those provided for employees employed in private industry under the workmen's compensation law of the province in which the federal government employee is usually employed. The right to compensation and the amounts of benefits are determined by the provincial Workmen's Compensation Boards, which, by arrangement, handle the adjudication of claims under the federal Act as the agents of the federal Government.

Under the Merchant Seamen Compensation Act, which is administered by a board composed of three officers of the public service, the employer is individually liable for the payment of compensation, and must carry accident insurance to cover his liability.

Further information about the provincial workmen's compensation laws and the two federal compensation Acts is contained in an annual bulletin, *Workmen's Compensation in Canada*, published by the Canada Department of Labour and available from the Queen's Printer, Ottawa.

The benefits payable under the provincial Acts are set out in tabular form on the following pages.

1. Monthly Benefits to Dependents in Case of Death of Workman

Funeral	Widow or Invalid Widower	Children with Parent	Orphans	Where only dependants are other than consort and child	Maximum
\$300 ¹	\$100 plus sum of \$200	Under 16, \$35 each ²	NEWFOUNDLAND Under 16, \$45 each ²	Sum to be determined by Board, reasonable and proportionate to pecuniary loss ³	75% of workman's average earnings ⁴ . Minimum \$100 to widow, \$35 to each child, or \$45 to orphan child, unless total benefits exceed \$150
\$300 ¹	\$75 plus sum of \$200	Under 16, \$25 each ²	PRINCE EDWARD ISLAND Under 16, \$30 each ²	As in Newfoundland. Maximum to parent(s), \$40. Maximum in all, \$60 ³	75% of workman's average earnings, but Board may waive the 75% restriction where circumstances require it and pay \$75 to widow and \$25 for each child under 16 ⁴
\$300 ¹	\$90 plus sum of \$250	Under 18, \$30 each ²	NOVA SCOTIA Under 18, \$35 each ²	As in Newfoundland. Maximum \$60 each, Maximum in all, \$75 ³	
\$300 ¹	\$75 plus sum of \$200	Under 21, if attending school, \$25 each ²	NEW BRUNSWICK Under 21, if attending school, \$50 each ²	As in Newfoundland ³	75% of \$5,000 a year ⁴
\$600 ¹	\$100 plus sum of \$500	Without age limit, if attending school, \$35 each (18 age limit, if not attending school) ²	QUEBEC Without age limit, if attending school, \$55 each (18 age limit, if not attending school) ²	As in Newfoundland ³	75% of workman's average earnings ⁴ . Minimum \$135 to widow and one child; \$170 to widow and two children; \$205 to widow and more than two children
\$300 ¹	\$75 plus sum of \$300	Under 16, \$40 each ²	ONTARIO Under 16, \$50 each ²	As in Newfoundland. Maximum \$100 ³	Average monthly earnings of the workman ⁴ . Minimum \$75 to widow, \$40 to each child or \$50 to orphan child, unless total benefits exceed \$150

\$300 ¹	\$100 plus sum of \$300	Under 16, \$35 each ²	MANITOBA Under 16, \$45 each ²	Maximum to wholly dependent mother, \$100. Other dependants, as in Newfoundland, Maximum \$30 each. Maximum in all, \$60 ³	75% of workman's average earnings ⁴ . Minimum \$100 to widow; \$135 to widow and one child; \$170 to widow with two or more children
\$250 ¹	\$110 ⁵ plus sum of \$300	Under 16, \$45 each ²	SASKATCHEWAN Under 16, \$60 each plus sum not exceeding \$50 at the discretion of the Board ²	As in Newfoundland ³	Average monthly earnings of the workman ⁴ . Minimum \$110 to widow; \$155 to widow and one child; \$200 to widow and two children and \$20 for each additional child ⁶
\$250 ¹	\$85 plus sum of \$200	Under 16, \$45 each ²	ALBERTA Under 16, \$45 each plus amount not exceeding \$35 to any child under 21 ²	As in Newfoundland. Maximum to parent(s), \$50. Maximum in all, \$85	
\$265 with additional \$85 for burial or cremation charges ¹	\$122.04 ⁷ plus sum of \$250	Under 16, \$42.45 each; 16-18 years, if attending school, \$47.75 each; 18-21 years, if attending school, \$53.06 ^{2,7}	BRITISH COLUMBIA Under 16, \$47.75 each; 16-21 years, if attending school, \$58.37 ^{2,7}	(a) As in Newfoundland. Maximum \$115 to parent(s). Maximum in all, \$115. (b) If there is widow or orphans, maximum to parent(s), \$115 ⁵	

¹For transporting body for burial, a maximum of \$150 in Quebec, of \$125 in Newfoundland and New Brunswick and of \$100 in Alberta, British Columbia, Nova Scotia and Prince Edward Island may be paid. Necessary expenses may be paid in Ontario and Saskatchewan. In Manitoba, the Board may pay transportation expenses within the province and part of expenses if the body is moved into or from the province. In Alberta and British Columbia, only transportation expenses within the province are allowed. In Alberta, Manitoba and Saskatchewan, compensation may include payment for burial plot, not exceeding \$50.

²Payments to children may be made, at the discretion of the Board, if desirable for a child to continue his education, to the age of 19 in Saskatchewan, to the age of 21 in Alberta, Newfoundland and Prince Edward Island, until the child is granted a university degree for the first time or completes a course in technical training in Manitoba, and as long as the child is pursuing his studies in Ontario. In Manitoba, a higher allowance (\$50 a month) is payable after the age of 16, thus taking into account increased costs of maintenance and schooling. In Alberta, Newfoundland and Prince Edward Island, payments to invalid children are continued so long as Board considers the workman would have contributed to the child's support. In all other provinces payments are continued until recovery.

³Compensation in these cases is continued only so long as the Board considers workman would have contributed to support.

⁴For maximum annual earnings on which compensation may be based, see Table 2, Column 5.

⁵Monthly pension of \$75 after the age of 70.

⁶If widow is over 70, amounts are \$75, \$110 and \$145, respectively.

⁷In accordance with a formula introduced in 1965, pensions and allowances for widows and children are increased 2% for each rise of 2% in the Consumer Price Index.

2. Benefits in Case of Disability

Total	PERMANENT		Total	TEMPORARY		Maximum Earnings Reckoned
	Partial			Partial		
NEWFOUNDLAND						
75% of earnings. Minimum \$125 a month or earnings, if less	Proportion of 75% of earnings based on impaired earning capacity estimated from nature and degree of injury, or, if more equitable, 75% of difference in earnings before and after accident ^{1,2}		75% of earnings for duration of disability. Minimum \$25 a week or earnings, if less	Proportion of 75% of earnings based on impaired earning capacity estimated from nature and degree of injury, or, if more equitable, 75% of difference in earnings before and after accident for duration of disability ^{1,2}		\$5,000 a year
PRINCE EDWARD ISLAND						
75% of earnings. Minimum \$20 a week or earnings, if less ³	Proportion of 75% of earnings based on impaired earning capacity estimated from nature and degree of injury, or, if more equitable, 75% of difference in earnings, before and after accident ^{1,2}		75% of earnings for duration of disability. Minimum \$20 a week or earnings, if less ³	75% of difference in earnings before and after accident or compensation based on impaired earning capacity estimated from the nature of the injury for duration of disability ^{1,2}		\$5,000 a year
NOVA SCOTIA						
75% of earnings. Minimum \$125 a month or, if the workman has more than one child under 16, the amount which a widow with the same number of children would receive	Proportion of 75% of earnings based on impaired earning capacity estimated from nature and degree of injury, or, if more equitable, 75% of difference in earnings before and after accident. If disability 15% or more, average earnings must be taken as not less than \$160 a month ¹		75% of earnings for duration of disability. Minimum \$30 a week or earnings, if less	75% of difference in earnings before and after accident for duration of disability ^{1,2}		\$5,000 a year
NEW BRUNSWICK						
Average earnings but not in excess of 75% of \$5,000	Amount determined by Board, proportionate to impaired earning capacity ¹		75% of earnings for duration of disability. Minimum \$25 a week or earnings, if less	If earning capacity diminished by more than 10%, 75% of diminution of earning capacity for duration of disability		\$5,000 a year
QUEBEC						
75% of earnings. Minimum \$35 a week or earnings, if less	Proportion of 75% of earnings in accordance with the degree of disability ^{1,2}		75% of earnings for duration of disability. Minimum \$35 a week or earnings, if less	Proportion of 75% of earnings in accordance with the degree of disability for duration of disability ^{1,2}		\$6,000 a year

ONTARIO			
75% of earnings. Minimum \$150 a month or earnings, if less, but in no case less than \$100 a month	Proportion of 75% of earnings based on impaired earning capacity estimated from nature and degree of injury, or, if more equitable, 75% of difference in earnings before and after accident ^{1,2}	75% of earnings for duration of disability. Minimum \$30 a week or earnings, if less	75% of difference in earnings before and after accident for duration of disability ^{1,2}
MANITOBA			
75% of earnings. Minimum \$150 a month or earnings, if less	Proportion of 75% of earnings based on impaired earning capacity estimated from nature and degree of injury, or, if more equitable, 75% of difference in earnings before and after accident ^{1,2}	75% of earnings for duration of disability. Minimum \$25 a week or earnings, if less	75% of difference in earnings before and after accident or compensation based on impaired earning capacity estimated from the nature of the injury for duration of disability ¹
SASKATCHEWAN			
75% of earnings. Minimum \$32.50 a week	Proportion of 75% of earnings based on impaired earning capacity estimated from nature and degree of injury, or, if more equitable, 75% of difference in earnings before and after accident ^{1,2}	75% of earnings for duration of disability. Minimum \$32.50 a week or earnings, if less	Proportion of 75% of earnings based on impaired earning capacity estimated from nature and degree of injury for duration of disability ²
ALBERTA			
75% of earnings. Minimum \$35 a week or earnings, if less	Proportion of 75% of earnings based on impaired earning capacity estimated from nature and degree of injury ¹	75% of earnings for duration of disability. Minimum \$35 a week or earnings, if less	Proportion of 75% of earnings based on impaired earning capacity estimated from nature and degree of injury for duration of disability
BRITISH COLUMBIA			
75% of earnings. Minimum \$31.84 a week or earnings, if less ⁴	Proportion of 75% of earnings based on impaired earning capacity estimated from nature and degree of injury, or, if more equitable, 75% of difference in earnings before and after accident ^{1,2}	75% of earnings for duration of disability. Minimum \$31.84 a week or earnings, if less ⁴	Proportion of 75% of earnings based on impaired earning capacity estimated from nature and degree of injury, or, if more equitable, 75% of difference in earnings before and after accident for duration of disability ^{1,2}

¹If earning capacity is diminished 10% or less (5% or less in Alberta), a lump sum may be given.

²The minimum payable in case of partial disability is the same proportion of the minimum for total disability (see preceding column) as impairment is of full earning capacity.

³Board may fix compensation on basis of \$15 a week, even though earnings are less than that amount.

⁴As increased by 4.04% from January 1, 1967, in accordance with a formula introduced in 1965, under which pensions and minimum compensation are increased 2% for each rise of 2% in the Consumer Price Index.

⁵Provision was made for periodical increases of \$1,000 in the ceiling, if earnings increase in line with a formula contained in the Act.

LABOUR STANDARDS IN THE YUKON AND NORTHWEST TERRITORIES

Labour standards legislation has been enacted by the Territorial Councils of the Yukon and Northwest Territories in most of the fields of legislation covered by this publication. The extent of labour regulation was greatly increased by the enactment of a new Labour Standards Ordinance in the Northwest Territories in 1967. This Ordinance, patterned after the Canada Labour (Standards) Code, for the first time laid down minimum standards of hours of work, minimum wages, annual vacations and public holidays for employees in the Northwest Territories. The Ordinance applies to all employees employed in undertakings of a local or private nature in the Territories except domestic servants in private homes, trappers and persons engaged in commercial fisheries, and managers or superintendents or persons who exercise management functions. Members or students of designated professions may be excluded by regulations.

Statutory School Leaving Age

In both Territories a School Ordinance provides for compulsory school attendance. The Yukon Ordinance makes it compulsory for a child to attend school to the age of 14. In the Northwest Territories, a child is required to go to school to the age of 15 and, if he reaches his 15th birthday after December 31, he must attend to the end of the school year. In both Territories, as in the provinces, exemptions from school attendance may be permitted for various reasons, including illness and distance from school.

Minimum Age for Employment

Under a Mining Safety Ordinance in each Territory, the minimum age for employment below ground is 18 years. The Northwest Territories Ordinance in addition sets a minimum age of 16 years for employment above ground in mines.

Under the Yukon Labour (Minimum Wages) Ordinance, 1966, and the Labour Standards Ordinance of the Northwest Territories, 1967, young persons under the age of 17 years may be employed only in such occupations and subject to such minimum wage rate and other conditions as may be specified by regulations.

Minimum Wages

Both the Yukon Labour (Minimum Wages) Ordinance and the Labour Standards Ordinance of the Northwest Territories require the

payment of a minimum rate of wages of \$1.25 an hour. This rate applies to employees who are 17 years of age and over.

Employees paid on other than a time basis, such as pieceworkers and persons paid a mileage rate, are required to receive the equivalent of the minimum wage.

Hours of Work

The Mining Safety Ordinances of both Territories provide for a maximum eight-hour day for work below ground in mines.

In the Yukon Territory, hours of work provisions are contained in the Labour Provisions Ordinance. This Ordinance, like the hours of work legislation of Manitoba and Saskatchewan, does not impose limits on hours. It requires time and one-half the regular rate to be paid after 8 hours in a day and 44 hours in a week in shops, and after 8 and 48 hours in other employment, with the exception of underground work in mines. "Shop", defined as an establishment where wholesale or retail trade is carried on or where services are dispensed to the public for profit, includes a hotel or restaurant.

Limits of 8 and 48 hours apply to mining operations underground in a shaft or tunnel. With the consent of their elected representatives, employees who work in shifts in mining operations are permitted to work longer hours than 8 and 48 without payment of overtime rates, provided that their average hours over a period of four weeks do not exceed 8 per day or 48 per week.

Limits of 8 and 48 hours apply to employees engaged on public works unless the Commissioner of the Territory orders otherwise, in which case he may require the payment of time and one-half the regular rate for time worked in excess of 8 and 48 hours.

Under the Northwest Territories Labour Standards Ordinance, standard hours (the number of hours that may be worked at regular rates of pay) are limited to 8 in a day and 48 in a week or, in certain operations, to 208 hours in a month.

The employees for whom standard hours of work of 208 in a month are set are those employed in exploration and development of metal mining and petroleum, including geophysical, geological, seismological and diamond drilling, persons employed primarily in the transportation of goods to and from isolated areas, and workers employed in tourist camps and in commercial fishing.

Persons employed as hunting or fishing guides are exempted from the hours of work provisions of the Ordinance.

Time and one-half the regular rate must be paid for all time worked in excess of standard hours. The total hours worked by an employee, however, may not exceed 10 in a day or 60 in a week, or, in the case of employees for whom standard hours are 208 in a month, 260 in a month, except in special circumstances.

In a week in which an employee is entitled to a holiday with pay under the terms of the Ordinance, the overtime rate is payable after 40 hours of work, exclusive of any time worked by the employee on the holiday.

Work in excess of maximum hours (10 and 60 or 260 hours in a month, as the case may be) is permitted only under an order of the Commissioner, under a permit issued by the Labour Standards Officer or in an emergency.

Where work in an industrial establishment is seasonal or intermittent in nature, the Commissioner, after having considered the nature of the establishment, the conditions of employment and the welfare of the employees, may issue an order permitting maximum hours to be exceeded.

Hours in excess of maximum hours may be worked under permit, when the applicant (an individual employer or an employers' organization) has satisfied the Labour Standards Officer that there are exceptional circumstances to justify the working of additional hours.

A permit is issued for a definite period and may specify the total number of additional hours that may be worked in the period or the additional number of hours per day or per week that may be worked by the employees concerned.

Maximum hours may also be exceeded to make up for time lost due to an accident, breakdown in machinery or other unpreventable circumstances. Details of such emergency work must be reported within 30 days after the end of the month in which the additional work was done.

Averaging of hours over a period of two or more weeks is permitted where the employer and his employees are governed by a collective agreement and where the nature of the work necessitates irregular distribution of an employee's hours of work. The manner and circumstances in which averaging may be allowed are too be prescribed by regulations.

Weekly Rest-Day

The Northwest Territories Labour Standards Ordinance provides that, unless an exception is made by regulations, employees must be given at least one full day of rest in each week, and that the normal day of rest must be Sunday wherever practicable.

Annual Vacations with Pay

The Annual Vacations Ordinance of the Yukon Territory and the Labour Standards Ordinance of the Northwest Territories require employers to give their employees an annual vacation of at least two weeks with pay after a year's service. The Yukon Ordinance applies to all employees except those employed in family undertakings and in domestic service in private homes. For the exclusions from the Northwest Territories Ordinance, see page 74.

The vacation pay to which an employee is entitled is one twenty-sixth of annual earnings in the Yukon and 4 per cent of annual earnings in the Northwest Territories. The vacation must be given within 10 months in the Yukon, and not later than 10 months in the Northwest Territories, after the date on which the employee becomes entitled to it.

An employee whose services are terminated before he has worked a full year is eligible for vacation pay (one twenty-sixth of earnings in the Yukon and 4 per cent of earnings in the Northwest Territories for the time he has been employed), provided he has been employed for a period of at least 30 days.

Public Holidays

The Yukon Labour Provisions Ordinance prohibits work on six public holidays unless time and one-half the regular rate is paid. The holidays are New Year's Day, Good Friday, Dominion Day, August 17 (known as Discovery Day), Labour Day and Christmas Day. When any of the six specified holidays falls on Sunday, work is prohibited on the following Monday.

Under the Northwest Territories Labour Standards Ordinance, employees are entitled to a holiday with pay in respect of each of eight general holidays which fall on a regular working day. The holidays are the same as those named in the Canada Labour (Standards) Code. Another holiday may be substituted for any of the eight listed holidays.

An employee is required to be paid his regular pay or the equivalent of a normal day's pay for a general holiday on which he does not work.

If he is paid by the week or month, his wages must not be reduced by reason of his not working on the holiday. If his wages are calculated on a basis other than time, his regular pay for the holiday is to be the average of his daily wages, exclusive of overtime, for the four weeks that he worked immediately preceding the week in which the general holiday occurs.

An employee who is not required to work on a general holiday must not be required to work on another day of that week that would otherwise be a non-working day, unless he is paid at least double his regular rate of wages for the time worked by him on that day.

An employee who is required to work on a general holiday must be paid his regular pay for the day and, in addition, his regular rate of wages for all time worked, or he must be given a holiday with pay at a time convenient to him and his employer, not later than his next annual vacation or on termination of employment, whichever occurs first.

An employee is not entitled to be paid in respect of a holiday on which he does not work if he has not worked for his employer a total of 30 days in the preceding 12 months; if he did not report for work on the holiday after having been called to work; or, without the consent of the employer, he has not reported for work on either the last regular working day preceding or the first regular working day following the holiday.

Fair Employment Practices and Equal Pay

Both Territorial Councils have enacted Fair Practices Ordinances (the Yukon in 1963 and the Northwest Territories in 1966) prohibiting discrimination in regard to employment and membership in trade unions on grounds of race, colour, religion or national origin.

While the intent of the two Ordinances is the same, they employ somewhat different wording in regard to the forbidden bases of discrimination. The Yukon Ordinance prohibits discrimination on grounds of "race, religion, religious creed, colour, ancestry, or ethnic or national origin". In the Northwest Territories Ordinance the wording is "race, creed, colour, nationality, ancestry or place of origin".

Both Ordinances cover a wider field than employment practices. Both prohibit discrimination on the grounds listed above in regard to public accommodation and multiple housing. The Northwest Territories Ordinance also prohibits discrimination by an employer between male and female employees by paying a female employee at a lesser rate of pay than the rate paid to a male employee for the same work done in the same establishment.

The Ordinances are patterned after the provincial fair employment practices laws. They bar an employer from refusing to hire, from discharging or from adversely discriminating in any term or condition of employment on any of the above-mentioned grounds. They prohibit the use of job application forms that require an applicant to give particulars as to his race, colour, religion or national origin.

Trade unions are forbidden to discriminate on any of the same grounds in admitting, suspending or expelling a member.

The prohibitions do not apply to domestic employment, to non-profit charitable, philanthropic, educational, fraternal, religious or social organizations or those operated primarily to foster the welfare of a religious or racial group, or to employers who employ fewer than five persons.

The Ordinances do not deprive an employer of the right to employ persons of any particular race, colour, religion or national origin in preference to other persons, where such preference is based upon a *bona fide* occupational qualification. The Northwest Territories Ordinance adds the words "necessary to the normal operation of the employer's business or enterprise". Schools in which religious instruction forms or can form part of the curriculum are permitted to hire persons of a particular religion or religious creed.

Procedures for the enforcement of the Fair Practices Ordinances are similar to those in the provincial fair employment practices laws, providing for investigation of complaints of discrimination, the adjustment of cases through discussion and mediation, and for prosecution and penalties as a last resort.

A complaint alleging discrimination is to be made to the officer appointed by the Commissioner of the Territory to deal with such matters. The Commissioner may then appoint an officer to inquire into the complaint. If a settlement is not reached through conciliation, the officer must recommend to the Commissioner the action that in his opinion should be taken with respect to the complaint, and the Commissioner may issue whatever order he thinks necessary to put the recommendations into effect. A person affected by such an order may within ten days appeal to a judge of the Territorial Court, whose decision is final.

Workmen's Compensation

Each Territory has a Workmen's Compensation Ordinance that makes the employer individually liable to pay compensation and re-

quires him to carry accident insurance to cover his liability or make other arrangements acceptable to the Commissioner. Under both Ordinances, the Alberta Workmen's Compensation Board acts as Referee to determine disputed claims.

The scale of benefits payable under each Ordinance has been increased at intervals but increases in benefits to widows and children and other dependants are made applicable only with respect to accidents occurring after the effective date of the amendments. Hence, lower scales of benefits are in effect for dependants in receipt of pensions as a result of earlier accidents.

Both Ordinances were revised in 1966, following the recommendations of a board of inquiry, to provide for a similar scale of benefits.

A widow is entitled to a maximum of \$300 for burial expenses, a lump sum payment of \$300 and a monthly pension of \$100 payable until remarriage or death. The \$100-a-month widow's pension is payable under the Northwest Territories Ordinance with respect only to accidents occurring on or after January 1, 1967. A widow continues to receive a monthly payment of \$50 where the accident occurred on or before December 31, 1955; \$75 where the accident occurred in the period between January 1, 1956, and December 31, 1961; and \$90 where the accident occurred in the period between January 1, 1962, and December 31, 1966. In the Yukon Territory, the monthly pension of \$100 has been payable in respect of all accidents occurring since July 9, 1961. Pensions of \$50 and \$75 a month, depending on the date of the accident, continue to be paid in respect of earlier accidents.

In respect of accidents occurring on or after January 1, 1967, in the Northwest Territories and after April 1, 1967, in the Yukon, a monthly payment of \$45 is payable to a dependent child. This allowance is payable in the Yukon to all children under the age of 18; in the Northwest Territories, it is payable to the age of 16 and may be continued, in the discretion of the Referee, to the age of 18 so long as the child is attending school and making satisfactory progress. Under both Ordinances, an additional payment, not exceeding \$10 a month, may be made, at the discretion of the Referee, to an orphan child. Smaller allowances are payable in respect of earlier accidents.

Where the only dependants are persons other than widow or children, compensation is to be a sum determined by the Referee in proportion to the pecuniary loss sustained, not exceeding \$75 a month to one parent or \$100 a month to two parents. These limits have been applicable with respect to accidents occurring after January 1, 1956. Limits of \$50 and \$85, respectively, apply to earlier accidents.

Under both Ordinances, time-loss compensation at the rate of 75 per cent of the workman's average weekly earnings is paid for the duration of temporary disability. A workman who is permanently and totally disabled is entitled to be paid a pension for as long as he lives equal to 75 per cent of his average weekly earnings. Compensation payments for total disability, either permanent or temporary, may not be less than \$35 a week, or the workman's average earnings, if less. For a workman with a permanent partial disability, compensation is a proportion of 75 per cent of his average earnings, depending on impairment of earning capacity as a result of the injury.

In computing average earnings, the maximum amount of annual earnings which may be taken into account is \$5,600 under both Ordinances (in respect of accidents occurring on or after January 1, 1967, in the Northwest Territories and after April 1, 1967, in the Yukon). Lower ceilings are applicable with respect to earlier accidents.

In addition to compensation payments, the injured workman is entitled to medical aid, the cost of which is borne by the employer. The Referee may require the employer or insurer to pay the expenses of occupational retraining of a permanently disabled workman, up to an amount not exceeding \$5,000.

Government
Publications

M.C. 6120/68

Government
Publications

~~III~~
~~7837~~
~~III~~
1967

Canada. Dept. of Labour.
Legislation Branch
Labour standards in
Canada

Government
Publications

PLEASE DO NOT REMOVE
CARDS OR SLIPS FROM THIS POCKET

UNIVERSITY OF TORONTO LIBRARY

DECATALOGUED

